

**BOUNDARIES OF FORT DONELSON BATTLEFIELD; ESTABLISH
THE CONGAREE SWAMP NATIONAL PARK; HARRY S.
TRUMAN STATUE; AND BOUNDARIES OF HARPERS FERRY
NATIONAL PARK**

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED EIGHTH CONGRESS

FIRST SESSION

ON

S. 524 S. 1472
S. 1313 S. 1576

OCTOBER 2, 2003



Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

90-951 PDF

WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512-1800; DC area (202) 512-1800
Fax: (202) 512-2250 Mail: Stop SSOP, Washington, DC 20402-0001

COMMITTEE ON ENERGY AND NATURAL RESOURCES

PETE V. DOMENICI, *New Mexico, Chairman*

DON NICKLES, Oklahoma	JEFF BINGAMAN, New Mexico
LARRY E. CRAIG, Idaho	DANIEL K. AKAKA, Hawaii
BEN NIGHTHORSE CAMPBELL, Colorado	BYRON L. DORGAN, North Dakota
CRAIG THOMAS, Wyoming	BOB GRAHAM, Florida
LAMAR ALEXANDER, Tennessee	RON WYDEN, Oregon
LISA MURKOWSKI, Alaska	TIM JOHNSON, South Dakota
JAMES M. TALENT, Missouri	MARY L. LANDRIEU, Louisiana
CONRAD BURNS, Montana	EVAN BAYH, Indiana
GORDON SMITH, Oregon	DIANNE FEINSTEIN, California
JIM BUNNING, Kentucky	CHARLES E. SCHUMER, New York
JON KYL, Arizona	MARIA CANTWELL, Washington

ALEX FLINT, *Staff Director*

JUDITH K. PENSABENE, *Chief Counsel*

ROBERT M. SIMON, *Democratic Staff Director*

SAM E. FOWLER, *Democratic Chief Counsel*

SUBCOMMITTEE ON NATIONAL PARKS

CRAIG THOMAS, Wyoming, *Chairman*

DON NICKLES, Oklahoma, *Vice Chairman*

BEN NIGHTHORSE CAMPBELL, Colorado	DANIEL K. AKAKA, Hawaii
LAMAR ALEXANDER, Tennessee	BYRON L. DORGAN, North Dakota
CONRAD BURNS, Montana	BOB GRAHAM, Florida
GORDON SMITH, Oregon	MARY L. LANDRIEU, Louisiana
JON KYL, Arizona	EVAN BAYH, Indiana
	CHARLES E. SCHUMER, New York

PETE V. DOMENICI and JEFF BINGAMAN are Ex Officio Members of the Subcommittee

THOMAS LILLIE, *Professional Staff Member*

DAVID BROOKS, *Democratic Senior Counsel*

CONTENTS

STATEMENTS

	Page
Bunning, Hon. Jim, U.S. Senator from Kentucky	2
Byrd, Hon. Robert C., U.S. Senator from West Virginia	1
Fruster, Hattie, President, Lower Richland NAACP, Hopkins, SC	23
Frye, Dennis E., President, Civil War Adventures, Sharpsburg, MD	18
Hampton-Faucette, Harriet, Columbia, SC	21
Hollings, Hon. Ernest F., U.S. Senator from South Carolina	3
Masica, Sue, Associate Director, Park Planning, Facilities, and Lands, National Park Service, Department of the Interior	6
Spencer, Debby, Vice President and Tourism Development Specialist, West Kentucky Corporation, Bowling Green, KY	15
Talent, Hon. Jim, U.S. Senator from Missouri	5
Thomas, Hon. Craig, U.S. Senator from Wyoming	1

APPENDIXES

APPENDIX I

Responses to additional questions	29
---	----

APPENDIX II

Additional material submitted for the record	33
--	----

BOUNDARIES OF FORT DONELSON BATTLEFIELD; ESTABLISH THE CONGAREE SWAMP NATIONAL PARK; HARRY S. TRUMAN STATUE; AND BOUNDARIES OF HARPERS FERRY NATIONAL PARK

THURSDAY, OCTOBER 2, 2003

U.S. SENATE,
SUBCOMMITTEE ON NATIONAL PARKS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 10 a.m. in room SD-366, Dirksen Senate Office Building, Hon. Craig Thomas presiding.

**OPENING STATEMENT OF HON. CRAIG THOMAS,
U.S. SENATOR FROM WYOMING**

Senator THOMAS. Good morning. We'll go ahead and get started. I want to welcome the witnesses today for the National Parks Subcommittee hearing.

Our purpose is to hear testimony on four Senate bills: S. 524, a bill to expand the boundaries of Fort Donelson National Battlefield, Kentucky; S. 1313, a bill to establish the Congaree Swamp National Park in the State of South Carolina; S. 1472, a bill to authorize the Secretary of the Interior to provide for the construction of a statue of Harry S. Truman at Union Station in Kansas City, Missouri; and a bill to revise the boundaries of Harper's Ferry National Historical Park.

So I want to thank all the witnesses for being here today, and we look forward to your comments on this.

Senator Bunning.

[A prepared statement from Senator Byrd follows:]

PREPARED STATEMENT OF HON. ROBERT C. BYRD, U.S. SENATOR
FROM WEST VIRGINIA

Mr. Chairman and Members of the Committee, I want to thank you for the opportunity to provide remarks in support of S. 1576, a bill to authorize the boundary expansion of the Harpers Ferry National Historical Park.

I am a lifelong student of history. Regrettably, too few citizens today possess a full appreciation of history. If our nation is to have any hope of being prepared for the future, Americans need a deeper understanding of this nation's past. History is not only a commonly shared memory, a record of the past, but it is also an excellent teacher and a guidebook to the future. Our National Park System plays an invaluable role in preserving our history and enabling citizens to be exposed to the great moments of our nation's past. Regardless of size, location, or theme, our nation's

parks serve as living classrooms. We must do all that we can to protect and maintain them for future generations.

The Harpers Ferry National Historical Park has been the backdrop for many of the nation's remarkable historic events. Here, in one setting, several themes in America's story converge: exploration, industry and transportation, the question of slavery, the Civil War, the early Civil Rights movement, and the natural splendor of our nation.

More specifically, Harpers Ferry contributed an important cache of supplies for the Lewis and Clark Expedition that helped sustain these brave explorers as they traveled to the Pacific Ocean and back. In 1859, abolitionist leader John Brown and a small band of raiders held federal troops at bay in the federal arsenal. The property also includes the Baltimore & Ohio (B&O) train station, and it borders a part of the Chesapeake and Ohio (C&O) Canal. In September 1862, a total of 37,000 Union and Confederate troops wrestled for the control of Harpers Ferry. Around the turn of the last century, Harpers Ferry served as a meeting place for several important events that helped stoke the early Civil Rights movement.

Harpers Ferry's rich history is matched only by its great natural beauty. The park is also home to a vast array of outdoor and recreational opportunities. Throughout the year, residents and visitors alike can be seen enjoying fishing, hiking, biking, horseback riding, rafting, canoeing, kayaking, and much more in this scenic park.

Originally established in June 1944, Harpers Ferry National Historical Park has had three previous boundary expansions. Additionally, in 1988, the National Park Service (NPS) was directed by Congress to study lands adjacent to the Harpers Ferry National Historical Park to determine whether some lands just outside the Park boundary had historical significance and merited federal protection.

However, starting when the first proposed housing developments threatened the historically significant School House Ridge Battlefield, the Harpers Ferry area experienced tension between development interests and preservation interests. Over time, outreach by the National Park Service has helped to educate community members about the historic and other values of properties that could be acquired, thus dramatically increasing local public support for the expansion. The National Park Service further carried out this task by undertaking a study and proposing a new park boundary and acreage ceiling increase based on a broad public outreach effort. This larger expansion proposal indicated that 94 percent of respondents now strongly support this effort.

Today, Harpers Ferry National Historical Park consists of 2,505 acres of land, the current ceiling of the park. The park cannot accept additional land parcels of historic value that are available without the Congress authorizing an expanded boundary. The National Park Service recommends expanding the acreage ceiling to 3,745 acres, which will allow the Park Service to acquire an additional 1,240 acres. This new ceiling would be sufficient to allow the Park Service to acquire the adjacent, historically sensitive lands and incorporate them into the park and would provide a 100-acre buffer to the acreage ceiling if additional lands become available.

Together, the area's historical, recreational, and ecological significance warrant the expansion of the boundaries of the Harpers Ferry National Historic Park, and now is the right time to do it. In addition to strong support of local citizens, the boundary expansion has the support of a number of groups, including the Friends of Harpers Ferry, the Harpers Ferry Conservancy, and the Civil War Preservation Trust.

The Roman orator and statesman Cicero observed that, "History is the witness that testifies to the passing of time; it illumines reality, vitalizes memory, provides guidance in daily life and brings us tidings of antiquity." Cicero's words from two millennia ago hold true today. Again, I thank the Chairman and the Committee for consideration of this legislation. The passage of S. 1576 is critically important in order to ensure the permanent protection of sensitive properties currently outside the park boundary.

STATEMENT OF HON. JIM BUNNING, U.S. SENATOR FROM KENTUCKY

Senator BUNNING. Thank you, Mr. Chairman.

I'm privileged to speak before the committee on an issue of great important to Kentucky and the United States. I introduced a bill, S. 524, in March, called the Fort Donelson National Battlefield Expansion Act of 2003. This bill is designed to expand the boundaries of Fort Donelson to authorize the acquisition of lands associated

with the campaign of the Civil War that resulted in the capture of the fort in 1862. Significantly, this bill will preserve Fort Heiman, an integral part of the Fort Henry/Fort Donelson campaign of the Civil War, for future generations to enjoy. Fort Heiman, along with its sisters forts, Fort Henry and Fort Donelson, played an integral role in the conclusion of the Civil War.

Situated on the Tennessee and Cumberland rivers, Fort Heiman controlled the flow of materials and supplies from the South. When General Ulysses S. Grant and the Union forces captured and occupied the fort in February 1862, the two major transportation routes for the Confederacy, the Tennessee and the Cumberland rivers, became Union highways for the movement of supplies and troops into the South. Yet despite this considerable role, Fort Heiman is rarely noted or remembered for its historic significance in the Civil War.

Additionally, parts of Fort Heiman are in danger of being lost to real estate development, road constructions, and environmental damage. Without the protections of this bill, the United States will lose an integral part of its history and its culture. Aside from the economic and tourism boom, the preservation of Fort Heiman will bring to Kentucky, I believe that the preservation of Fort Heiman as a historic and cultural artifact is essential to the preservation of our heritage and our sense of pride in our community. It is my hope this bill will encourage just that.

Thank you, Mr. Chairman.

Senator THOMAS. Thank you, Senator.

Senator Hollings, I'm sorry, I didn't realize that the Senator had a statement.

Senator HOLLINGS. That's all right.

Senator THOMAS. Go ahead, please, sir. Glad to have you here.

**STATEMENT OF HON. ERNEST F. HOLLINGS,
U.S. SENATOR FROM SOUTH CAROLINA**

Senator HOLLINGS. Thank you very, very much, Mr. Chairman and Senator Bunning.

In the interest of time, let me file, if the committee please, my statement in its entirety, along with a series of letters that support our Congaree National Park, from the Audubon Society, the Sierra Club, the National Parks Conservation Association, and various other groups.

Senator THOMAS. It will be in the record.

Senator HOLLINGS. Mr. Chairman, you have, of course, the wonderful Grand Tetons. We have not moved on the east coast to really preserve the trees, fauna, and the wonderful growth that we have. Yes, we've done it with respect to Yosemite, with respect to Yellowstone, the Tetons. But some 225 years ago, when we started this country, we had over 24 million acres of such eastern flood-plain hardwood forests.

Now, when I came to the Senate, some 37 years ago, they were taking this particular stand, which is of 22,000 acres now, that we've made a monument, they were burning it off and cutting it and destroying it at the rate of about 500 acres a year. And Mr. Harry Hampton, of Columbia, South Carolina, a famous conservationist to us in the State, came to me, and we've worked over the past 37 years. We, back in the early '70s, got it created as a na-

tional monument, but the thrust now is to make it a national park. And Mr. Hampton's daughter, Ms. Harriet Faucette, that'll be here and will be testifying more in length about the wonderful nature of the park itself—we've got over 700 different types of plants, 170 species of different birds there, and everything else.

But I think to really make the bottom line, we've got parks in the Piedmont. We've got, down in the low country where I live, Fort Sumter, Fort Moultrie, different other parks, but—I mean, monuments—but we never have had, as an original-13 State, never have had a park. And the entire State now has gotten together on this, because it's really deserving of the characterization by the Congress of making this monument a park.

I'll be glad to try to respond to any questions that you have.

[The prepared statement of Senator Hollings follows:]

PREPARED STATEMENT OF HON. ERNEST F. HOLLINGS, U.S. SENATOR
FROM SOUTH CAROLINA

Mr. Chairman, earlier this year I introduced legislation that is particularly important to me, in that it culminates nearly 30 years of efforts to preserve the wilderness of South Carolina for future generations of Americans. This legislation proposes to raise the designation of the Congaree Swamp National Monument to the Congaree National Park, and to increase its size by 20 percent.

I know the question that must be answered is whether Congaree is significant enough to be put in a league with Yellowstone, Yosemite, and the others that make up our 57 national parks? In this Senator's mind, absolutely, it is.

Right now, the Congaree is our most underutilized national treasure. Many people outside my state have never heard of it, and when they do they think it is a nasty swamp with a bunch of standing water.

So Americans are missing out on a majestic hardwood forest that has more types of trees, plants, animals, and birds than a person will see in a lifetime. The best thing we could do is to let more people enjoy this treasure by designating it a National Park.

The Congaree is home to some of the tallest and rarest trees in the Eastern United States—some are 400 years old. When the country started 225 years ago, there were 24 million acres of eastern, flood plain, hardwood forests like those in the Congaree. Now this is the last large remnant. This is it. It's all we have left. It is as important to our history, as the redwood forests are on the west coast.

The Congaree also is home to 700 different types of plants and 170 species of birds. All eight species of woodpeckers can be found here, including the endangered red-cockaded variety. This diversity makes it a location important to scientists, who can't find this in cities or farms.

Even though the Congaree is the best kept secret in America, inside South Carolina it is known and loved. The attendance has ballooned to 120,000 visitors every year, including some 12,000 students, who use the forest as their classroom to nature. It has awakened an interest in the environment for these children. They cruise the Congaree, learning how to identify trees, birds, animals, and everything like that. All kinds of groups take hikes, nature walks and canoe trips.

Yet, had Congress not acted back in 1976, none of this may be around today. I still remember when my friend, Harry Hampton, enlisted my help to protect the big trees that were being destroyed 500 acres a year.

In 1976, Congress set aside 15,000 acres to establish the Congaree Swamp National Monument. In the late '80s, we expanded it by another 7,000 acres. More recently, we've invested in a visitor center and this investment has far exceeded this Senator's and Harry Hampton's expectations. Harry Hampton's daughter, Harriet Hampton Fossett, is here today to testify on this.

Now, we must continue the progress, and re-designate the Monument into a full fledged National Park. National parks are regarded as nationally significant if they are an outstanding example of a resource—the Congaree is; if they are illustrative of our country's heritage—the Congaree is; and if they provide extraordinary opportunities for recreation and scientific study—and the Congaree does.

This would be the first National Park in South Carolina. My little state's number one industry is tourism, and this would help our economy, as it provides a growing attraction for local, state, national, and international visitors to see America's finest forest on the east coast.

My proposal has received support from a number of organizations—the business and environmental community alike. This includes letters from the Greater Columbia Chamber of Commerce, Richland County Council, Columbia Mayor Bob Coble, Friends of the Congaree Swamp, and South Carolina Coastal Conservation League. I ask that their statements be put in the Record.

I hope to work on a bi-partisan basis to gather your support and pass the legislation this session.

Senator THOMAS. Thank you, Senator.

Questions?

[No response.]

Senator THOMAS. Appreciate your being here, sir. And we'll have other—

Senator HOLLINGS. Yes, thank you very much, Mr. Chairman.

Senator THOMAS. Thank you.

Senator Talent.

STATEMENT OF HON. JIM TALENT, U.S. SENATOR FROM MISSOURI

Senator TALENT. Thank you, Mr. Chairman.

I, too, want to thank you for holding this hearing to discuss, among other bills, one that I introduced earlier this year, which would authorize the construction of a statue of former President Truman at Union Station, in Kansas City, Missouri.

Mr. Chairman, Union State is one of Kansas City's truly historical landmarks. It was built in 1914. It features a 95-foot ceiling in the grand hall, three 3,500-pound chandeliers, and a six-foot-wide clock hanging in the station's central arch. It encompasses 850,000 square feet, and it was beautifully restored in 1999. It's now a very popular destination, both for folks who live in Kansas City, as well as tourists. It's a complex. It's filled with restaurants, shops, theaters. It has traveling exhibits, special events. They host parties and receptions. There's a science center there that's very popular.

In the original 1914 plans for Union Station—so this goes back to 1914—the central bay of the facade was left with an empty 20-foot-high limestone pedestal. Suggestions for the statue have included that of one of the city fathers or something that would denote the city spirit. The architect left it that way for city officials to install a statue, and despite a number of suggestions through the years, the pedestal has remained unoccupied for nearly a century.

Now the city's leaders have decided that they want to erect a statue to Harry Truman. A statue to President Truman would, of course, represent a great historical connection with greater Kansas City, because he came from that county. It would pay tribute to Missouri's only President of the United States and Commander in Chief. It would have a connection to Liberty Memorial, which is the United States' only World War I memorial. And, of course, President Truman served in World War I.

Mr. Chairman, it's appropriate that Kansas City's native son, President Truman, would be a natural choice to honor on this pedestal that's been vacant for so many years. He actively participated in combat in World War I. He later played a role in the dedication of the Liberty Memorial that this statue would be facing.

Additionally, and we were surprised to find this out, there are only a few statues of President Truman in the world. There's one in Athens, Greece, where the Truman Doctrine was signed. There's another small one in Missouri, but there are none in Kansas City, and none of this size.

Because Union Station is still a working train station, a statue of President Truman is historically significant, because he traveled the country via rail during his famous "Whistlestop" campaign in 1948. He used Kansas City's Union Station on numerous occasions when traveling home to Independence. In fact, he was the last U.S. President to use the train as his principal means of travel on the campaign trail. When he returned home to Kansas City from Washington as Mr. Citizen 50 years ago, a big welcoming crowd was there for him.

The statue would mean a great deal to the citizens of Kansas City. They believe in it. They've raised \$275,000 to finance it. We had authorized only \$50,000 as our contribution.

I appreciate your hearing me on it, and the subcommittee's consideration. I think it would be very appropriate. The connection to Kansas City is very strong, and, to Missouri, is very strong; and, of course, President Truman played a key role, a pivotal role, in the development of our post-Cold War foreign policy.

So I'd urge the subcommittee to consider the bill favorably, and I'll be happy to answer any questions.

Senator THOMAS. Thank you very much. Appreciate it, Senator. Appreciate it.

Senator TALENT. Okay.

Senator THOMAS. Okay, let's move on to our first panel, then.

Ms. Sue Masica, Associate Director of Park Planning, Facilities, and Lands, National Park Service, thank you for being here.

STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Ms. MASICA. Thank you very much.

Senator THOMAS. Appreciate it very much.

Before you begin your statement, I believe you have a list of technical corrections the committee has prepared. Are these consistent with the technical corrections provided by the committee in the 107th Congress?

Ms. MASICA. Yes, Mr. Chairman.

Senator THOMAS. Thank you. Then we'll enter them in the record for this hearing.

Thank you.

Ms. MASICA. Mr. Chairman, thank you for the opportunity to be here this morning.

We've submitted our written testimony, and ask that it be included in the record, and I'll just summarize the four bills and our position on them, if that's okay with you.

Senator THOMAS. It will be included.

Ms. MASICA. The first bill, S. 524, expands the boundaries of Fort Donelson National Battlefield, and authorizes the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862. The bill would add approximately

1,400 acres to the park, and also provide for a memorandum of understanding between the Park Service regarding Fort Henry with the Park Service to assist with visitor services, resource protection and interpretation. There are estimated costs of only about \$150,000 for land acquisition because of the donations that would be associated with this park. I estimate its startup operational costs of about a million dollars in the first year, and then about 850,000 annually after that. And the Department does support S. 524.

On S. 1313, the Congaree Swamp bill would change the designation from Congaree Swamp National Monument to Congaree National Park, and also expand the boundary of the park with an estimated 4,600 acres identified for acquisition, with three primary tracts at this time. The estimated cost for those acquisitions are in the \$9- to \$10-million range, and, as a result, the Department recommends that action be deferred on S. 1313 for two primary reasons. One, we believe that the bill is premature, because the Park Service has not had an opportunity to study whether the lands identified in the bill are suitable and feasible for addition to the park. Such a determination, along with the consideration of re-designation from a national monument to a park is typically done through the GNP process for an existing unit of the park system. Secondly, deferral would allow the Park Service to continue to focus our resources on caring for existing areas within the system as we address the deferred maintenance backlog.

On S. 1472, the bill to authorize for a grant by the Secretary of the Interior for construction of a statue to Harry S. Truman at Union State, in Kansas City, the Department opposes enactment due to the financial implication of the bill on national parks and park programs. We believe the use of limited Park Service appropriations to fund the design and construction of non-NPS projects of this type is inappropriate. Just last year, in fiscal 2003, nearly \$25 million in grants were directed to be passed through the Park Service budget for construction of non-park-system projects, and that's why we have this concern. Admittedly, the cost of the bill is only \$50,000 for the Federal share of the statue's estimated \$325,000 cost.

S. 1576 provides for additional lands to be included in the boundary of Harper's Ferry National Historical Park, and it would authorize an estimated 1,200 acres to be added to the park. Most of that is the transfer of lands presently in Federal ownership from two other jurisdictions to the Park Service—to the park, and then also a donation from the Civil War Preservation Trust. And the bill authorizes acquisition from some private property owners. The estimated cost of the willing-seller acquisitions is about \$3.7 million. The Department's position is that we would support the bill, but only if amended to include only the transfer of the Federal parcels and the donation from the Civil War Preservation Trust that's also a part of the bill. We recognize the importance of the remaining lands to be acquired, but recommend deferring action on those to allow us to continue to address the maintenance backlog and to devote our resources to other things. And if those amendments were adopted, that would also reduce the costs of the capital improve-

ments that are anticipated in the bill that would be done on the property to be acquired.

Mr. Chairman, that summarizes our position on those four bills. I'll be happy to answer any questions.

[The prepared statements of Ms. Masica on S. 524, S. 1313, S. 1472, and S. 1576 follow:]

PREPARED STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, ON S. 524

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 524, a bill to expand the boundaries of the Fort Donelson National Battlefield and to authorize the acquisition and interpretation of lands associated with the campaign that resulted in the capture of the fort in 1862.

The Department of the Interior supports S. 524. Although the Administration's priority is to focus our resources on caring for existing areas within the National Park System, there are cases where an acquisition or expansion is needed to realize an existing park unit's mission and can be accomplished with reduced costs. This is such a case. This legislation would enable the National Park Service (NPS) to protect and interpret historical resources that are critical to the Civil War story concerning the surrender of Fort Donelson to Union forces.

Fort Donelson National Battlefield (Battlefield), currently consisting of 558 acres, is located in Stewart County, Tennessee. The battlefield includes the fort, the Dover Hotel (Surrender House), and Fort Donelson National Cemetery. S. 524 would allow the Secretary of the Interior (Secretary) to expand the boundaries of the battlefield and acquire additional lands as long as the total acreage included in the battlefield does not exceed 2,000 acres. New lands may be acquired by purchase from willing sellers or by donation or exchange. Lands that would be added would include a detached unit of the battlefield at Fort Heiman, in Calloway County, Kentucky and various historical resources in and around Dover, Tennessee. In addition, S. 524 would require the Secretary and the U.S. Forest Service to enter into a memorandum of understanding for the protection and interpretation of remaining vestiges of Fort Henry and other Civil War resources in the Land Between the Lakes National Recreation Area.

There will be no anticipated NPS land acquisition costs for the acquisition of Fort Heiman. West Kentucky Corporation and the Commonwealth of Kentucky have entered into a partnership to secure more than \$1,000,000 for land appraisals and purchase of approximately 300 acres at the Fort Heiman site. On September 23, 2003, Calloway County, Kentucky acquired approximately 200 acres of the site and intends to hold it in trust. The remaining 100 acres will also be purchased by this partnership. The intent is for the Fort Heiman site to then be donated to the NPS for inclusion into the battlefield once the boundary is adjusted through this legislation.

The U.S. Forest Service administers the lands on which the outer earthwork fortifications of Fort Henry remain—the fort itself is under Kentucky Lake. Thus, since the land is in current federal ownership, and would continue to be managed by the U.S. Forest Service, land acquisition funds would not be required. However, visitor services, resource protection, and interpretation could be enhanced, and undetermined costs might result, based upon the memorandum of understanding between the Secretary and the U.S. Forest Service regarding the protection and interpretation of this land.

First year personnel costs associated with this proposal are estimated to be \$676,000, which would primarily be used to provide staffing for the detached unit that will be created at Fort Heiman. Additionally, a one-time development expenditure of about \$325,000 is anticipated to cover maintenance equipment, vehicles, and miscellaneous start up supplies. Operational costs for future years are estimated to be approximately \$850,000-\$900,000 annually. Since that is roughly equal to the battlefield's current funding, the expansion would require doubling the annual appropriation for this unit.

Murray State University in Kentucky has approached the park with the offer of office space, telephones, computers, and other office equipment if it is needed.

In addition to the lands at Fort Heiman that will be purchased by the West Kentucky Corporation and the Commonwealth of Kentucky, the Civil War Preservation Trust (Trust) has purchased about 100 acres near or contiguous to Fort Donelson National Battlefield and holds an option for the purchase of an additional 105 acres. These two parcels contain the portion of the battlefield where 70% of the Union cas-

ualties took place. These properties would be included within the expanded boundary and we look forward to the possibility of working with the Trust to preserve and interpret these important lands. The Trust and the State of Tennessee are working on a cooperative venture to purchase another critical site consisting of approximately 7 acres near the current visitor center. There are an additional four sites of historical relevance and integrity near Fort Donelson that could be purchased from willing sellers, should they become available. Together, these parcels consist of approximately 20-23 acres and are estimated to cost less than \$150,000.

The capture of the forts (Heiman, Henry and Donelson) that guarded the Tennessee and Cumberland Rivers constituted the first major Union victory in the Civil War. The outcome earned Brigadier General Ulysses S. Grant his promotion to Major General, the nickname "Unconditional Surrender Grant", and prominence that led to the Presidency of the United States.

The Confederate capitulation forced the evacuation of Nashville, Tennessee, virtually all of middle Tennessee, and much of western Tennessee. With the capture of the three forts the Tennessee and Cumberland Rivers became Union highways for the movement of men and material into the Deep South. The battles at Fort Henry and Fort Heiman were the first time in the Civil War where ironclad gunboats were used and the surrender of the forts ensured that Kentucky would remain in the Union.

The American Battlefield Protection Program has classified the Fort Donelson National Battlefield area as a collection of Priority I sites implying a critical need for coordinated nationwide preservation action. Fort Henry and Fort Donelson are also designated as two of the principle battles of the Civil War and Fort Heiman, listed on the National Register of Historic Places, derives part of its significance from its direct association with them.

The NPS is currently conducting a boundary study of Fort Donelson. Public response has been overwhelming in support of preserving the three forts under an umbrella of federal protection. The draft study is currently under agency review and is expected to be finalized by the end of calendar year 2003.

We suggest some technical amendments to S. 524 that provide the map references that are missing from the bill and will provide overall clarification to the bill language. Our suggested amendments are attached to this testimony.

PROPOSED AMENDMENTS

S. 524, FORT DONELSON NATIONAL BATTLEFIELD EXPANSION ACT OF 2003

Page 2, line 11, strike "The Fort Donelson National Battlefield shall consist of the site of" and insert "The boundary of the Fort Donelson National Battlefield is revised to include the site of".

Page 2, line 18, strike "map entitled ' ' numbered , and dated . ." and insert "map entitled Fort Donelson National Battlefield Boundary Adjustment, numbered 328/80024, and dated September 2003."

Page 5, line 5, strike "2 through 7" and insert "2 through 4, 6 through 8, and 10".

Page 5, line 14, strike subparagraph A and insert, "(A) in section 5 (16 U.S.C. 428d), by striking 'Provided' and the last sentence."

Page 6, line 19, strike paragraph 3 and insert, "(3) 1960 Law. Public Law 86-738 is amended

(A) in section 1 (16 U.S.C. 428k) by striking 'Fort Donelson National Military Park' and inserting 'Fort Donelson National Battlefield' and by striking ", but the total area commemorating the battle of Fort Donelson shall not exceed 600 acres"; and

(B) by striking section 3 (16 U.S.C. 428m)."

S. 1313

Mr. Chairman and members of the subcommittee, thank you for the opportunity to appear before you to present the views of the Department of the Interior on S. 1313, a bill to establish the Congaree Swamp National Park in the State of South Carolina, and for other purposes.

The Department of the Interior recommends that the subcommittee defer action on S. 1313 at this time. First, we believe that S. 1313 is premature since the National Park Service (NPS) has not had an opportunity to study whether lands identified in the bill are suitable and feasible for addition to Congaree Swamp National Monument (Congaree). Such a study, as well as an evaluation on the appropriateness of redesignating a site as a National Park is typically done for an existing park unit through a new General Management Plan (GMP) or an amendment to an existing GMP. Congaree has submitted a request for funding for a new GMP in fiscal

year 2005. The new GMP would take three to four years to complete. Second, a deferral of S. 1313 would allow us to focus our resources on caring for existing areas within the National Park System. The estimated cost associated with acquiring the lands proposed for the boundary expansion under this bill are high and would detract from our efforts to support the President's Initiative to eliminate the deferred maintenance backlog in our national parks.

S. 1313 would authorize the establishment of Congaree National Park (Park) consisting of the lands currently included within the monument plus an additional 4,600 acres. Acquisition of new lands would be from willing sellers and the new park would have an acreage ceiling of 30,000 acres. The existing Congaree Swamp National Monument Wilderness would be redesignated as the Congaree National Park Wilderness and the Secretary of the Interior (Secretary) would be directed to complete a GMP for the new park within three years including within the GMP any recommendations for expansion of the wilderness area. The Secretary would allow sport fishing to continue on land and water within the new park boundary, in accordance with federal and State laws.

Congaree Swamp National Monument covers 22,200 acres of the Congaree River floodplain and is located 15 miles southeast and downstream from Columbia, South Carolina. The monument protects the largest remaining stand of southern, old growth bottomland hardwood forest in North America.

S. 1313 would expand the park's boundary by 4,576 acres. These lands are privately owned timberland contiguous to, and downstream from, the current monument boundary. There are three tracts: the 1,886 acre Kingville tract, the 2,420 acre Bates Fork tract and a 270 acre tract recently acquired by a private individual for private recreational purposes.

The Kingville tract (1,886 acres) and Bates Fork tract (2,420 acres) are currently for sale either for the timber they contain or as small hunting preserves. The owners of these tracts have expressed a willingness and desire to work with NPS on the preservation of these lands. Although formal appraisals have not been completed, it is estimated that the cost of acquiring these two tracts would be between \$9 and \$10 million. If these lands are acquired, it is anticipated that they would be maintained in an undeveloped condition and therefore have minimal operational costs. The owner of the third tract (270 acres) is willing to have his land included within the park boundary, but is not interested in selling at this time. The anticipated uses of this tract would be compatible with park objectives.

The GMP that would be considered for funding in 2005 and that we would like to complete prior to consideration of this bill would examine the suitability and feasibility of including these tracts within the boundary of the monument. Studies of the area have been completed by third parties and by the U.S. Fish and Wildlife Service in the early 1970's as a potential location of a new National Wildlife Refuge. While these studies all concluded that the lands proposed for addition should be preserved, none of them examined these lands against NPS criteria.

The Department has increasingly sought to engage in partnerships to increase protection of natural and cultural resources. The 2005 GMP could examine how expanding the boundary might support and complement a large-scale protection effort undertaken by the State of South Carolina called the Fork Swamp Large Area Project, located at the confluence of the Congaree and Wateree Rivers and covering approximately 67,915 acres. Current NPS lands are close to, and could become a component of, this project.

NPS management policies and practice indicate that a unit designated as a national park be of sufficient size with unique natural qualities and superlative scenery, as well as recreational opportunities. The NPS cannot support a change in designation merely for the sake of greater status within the system. To qualify for national park status, a wide range of resources must be present, all of which have been determined to be nationally significant.

The monument is designated as a National Natural Landmark and International Biosphere Reserve and was recently designated a Globally Important Bird Area, noteworthy in particular as a sanctuary for over-wintering birds. A nomination has been prepared to designate Congaree Swamp as a Wetland of International Importance under the Ramsar Convention. The monument also contains 10 structures listed on the National Register of Historic Places.

The lands S. 1313 proposes to add would increase the monument's size, but could also add to its diversity of resources. We understand the land includes more of the green ash mixed bottomland hardwood community that is uncommon within the monument as well as Sampson Island, likely to have been used by American Indians as a temporary settlement or hunting camp. Only two other such "islands" are known to exist in the Congaree River floodplain, and none of these are located within the present monument boundary. Also included are the remnants of the south

approach road to McCord's Ferry, site of troop movements in the Revolutionary War and also a diversionary skirmish during Sherman's march on Columbia.

Finally, the 2005 GMP would provide a recommendation if a redesignation for the monument to national park status is warranted.

In the future if this bill moves forward there are a few technical amendments that we would like to suggest and that we would be happy to share with subcommittee staff.

S. 1472

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1472, a bill to authorize the Secretary of the Interior to provide a grant for the construction of a statue of Harry S. Truman at Union Station in Kansas City, Missouri.

The Department opposes the enactment of S. 1472 at this time due to the financial implication of this bill on national parks and park programs. The Department is committed to supporting the President's Initiative to eliminate the deferred maintenance backlog in our national parks. We believe funds are more appropriately directed at this time to reducing the long list of necessary but deferred construction projects that have been identified in our national parks.

Our opposition does not detract from the significance and importance of constructing a statue in honor of our nation's thirty-third president in his home state of Missouri. However, we believe the use of limited National Park Service appropriations to fund the design and construction of non-National Park Service projects of this type is inappropriate. In FY 2003 alone, various pieces of legislation were passed and signed into law that authorized over \$24.9 million in grants to be passed through the National Park Service budget for construction of non-Park System projects.

S. 1472 authorizes the Secretary of the Interior to award a grant to pay for the Federal share of the cost of constructing a statue of Harry S. Truman to be placed at Union Station in Kansas City, Missouri. The bill states that the Federal share of the costs shall not exceed \$50,000 and that the eligible entity shall submit a proposal for the use of the grant funds. It also states that the Federal government will not be responsible for the maintenance of the statue after it is constructed and erected.

Union Station, built in 1914, is a Kansas City historical landmark. The complex is filled with restaurants, shops, theaters, traveling exhibits, special events, and a science center. The statue would be placed on the 20-foot high limestone pedestal under the center arch on the south facade of Union Station, facing the Liberty Memorial. President Truman passed through Union Station on numerous occasions and was the last president to use the train as his principle means of travel on the campaign trail. While we recognize this is an appropriate place in which to erect a statue of President Truman, we believe that National Park Service funds should not be authorized for this purpose.

S. 1576

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 1576, a bill to provide for additional lands to be included within the boundary of Harpers Ferry National Historical Park in the state of West Virginia.

The Department supports enactment of this legislation if amended in accordance with this statement. S. 1576 would authorize the Secretary of the Interior to expand the boundary of Harpers Ferry National Historical Park to include lands that are critical to preserving resources that tell the stories there. The Department recommends that the legislation be amended to include in the boundary only the transfer of lands from the U.S. Fish and Wildlife Service and the Appalachian National Scenic Trail to Harpers Ferry National Historical Park, and the donation of 177 acres of private lands from the Civil War Preservation Trust. The Department recognizes the importance of including in the boundary the remaining private lands, but we recommend that the committee defer action on authorizing the acquisition of these lands during the remainder of the 108th Congress. To meet the President's Initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System.

Located at the confluence of the Potomac and Shenandoah Rivers, Harpers Ferry has a history that has few parallels in the American drama. The park commemorates a diverse number of people and events, decisions, and actions that influenced the course of our nation's history over 230 years. In 1944, Congress established

Harpers Ferry as “a public national memorial commemorating the historical events that occurred at or near Harpers Ferry.”

This bill would add nine parcels of land to the boundary of the park to provide permanent protection of resources that are integral in commemorating historical events that occurred at Harpers Ferry. These include properties on School House Ridge, which was the position of Confederate General Stonewall Jackson during the strategic battle for Harpers Ferry in 1862; the Werner tract, which protects the southern viewshed of the park; a portion of the Appalachian National Scenic Trail that contains Civil War campgrounds; several small properties that protect park viewsheds between Bolivar Heights and the Murphy Farm; and Potoma Wayside that protects part of the view Thomas Jefferson described in his Journals on the State of Virginia as “stupendous” and “worth a trip across the Atlantic.” The way-side is also used as the take-out for whitewater rafting companies and paddlers using the Shenandoah and Potomac rivers near Harpers Ferry.

In 2001, at the direction of Congress, the National Park Service undertook extensive outreach efforts and public meetings in and around Harpers Ferry, West Virginia, to explain the options for expanding the boundary of Harpers Ferry National Historical Park. These options were drawn from 12 years of public debate centered on the expansion of the park and were incorporated into documents that were widely disseminated to the public.

During the 2001 public outreach efforts, Harpers Ferry National Historical Park worked with the Appalachian National Scenic Trail, the U.S. Fish and Wildlife Service, private non-profit organizations, conservation organizations, state and local leaders, tourism and business interests, land developers, private landowners, and the public. Four public meetings were held throughout Jefferson County, West Virginia, and one or more meetings were held with each private landowner identified in the report. The National Park Service transmitted the results of the outreach efforts to Congress in a report titled “Report to the Senate Appropriations Committee of the United States Congress on the Public Outreach Program at Harpers Ferry National Historical Park, in Harpers Ferry, West Virginia, to Explain the Options to Expand the Park’s Boundary and Determine if there is a Public Consensus for Expansion” (September 2002). The report concluded that there exists an overwhelming public consensus (94 percent) for expansion of the park. Support for the expansion is equally strong among outreach participants at the local, regional and national levels.

The land in the proposed park expansion is largely federal. Lands held by the U.S. Fish and Wildlife Service and the Appalachian National Scenic Trail, which the park currently manages through agreements, would be transferred to the Harpers Ferry National Historical Park to be administered directly. The total federal acreage in the proposed legislation is 772 acres. There are also 368 acres of private land in the bill’s proposed park expansion that the Secretary of the Interior would be authorized to acquire from willing sellers. The Civil War Preservation Trust owns 177 acres, which they want to donate to the Park, with the remaining 191 acres split among six individual owners. For the National Park Service to acquire these lands, the current park acreage ceiling of 2,505 acres needs to be increased to 3,745 acres, which includes a margin of 100 acres within the new ceiling for survey and acquisition corrections.

No appraisals have been done on the properties included in the proposed park expansion; however, based on recent comparable sales of property adjacent to the park, the National Park Service believes that the land acquisition costs would total approximately \$3.7 million to acquire all 191 acres of private land. With our proposed amendment, land acquisition costs would be negligible since it would be acquired through donation or transfer.

The land in the proposed expansion is mainly forest or agricultural farmland that contains a few structures. The National Park Service proposes to manage the forested lands as protected viewsheds, and the agricultural lands under the park’s agricultural leasing program with an overlay of public trails and interpretive exhibits for public use and enjoyment. We originally estimated development costs to be less than \$500,000 including projects such as building small parking areas, restoring battlefields, developing trails, and creating exhibits. We also had estimated operational costs to administer all the land would add \$150,000 annually to Harpers Ferry’s \$5.7 million dollar operational costs, an increase of less than one percent.

With our proposed amendment, development costs would be reduced to approximately \$350,000 and operational costs would be reduced to approximately \$100,000.

That concludes my prepared statements, Mr. Chairman. I would be pleased to answer any questions you or members of the committee may have.

Senator THOMAS. Okay, thank you.

In the Donelson one, why, it adds 1,400 acres, but—let's see, what did you say the cost would be?

Ms. MASICA. Because most of that acreage would be donated.

Senator THOMAS. Donated, I see.

Ms. MASICA. The cost for acquisition is estimated only at about \$150,000.

Senator THOMAS. I see, okay. And what about private owners and so on, are they affected? Will you be taking residential—

Ms. MASICA. It would all be on a willing-seller basis.

Senator THOMAS. I see.

Ms. MASICA. There are—of the roughly 700 acres that we know about at this point that there's active interest in having become a part of the park, about 20 to 23 of those are in private hands, and we would have to negotiate, again, on a willing-seller basis, with those landowners as funds become available.

Senator THOMAS. And then this—your operating costs would go up \$850,000.

Ms. MASICA. Right, because of the fort—as I understand it, the Fort Heiman parcel is on the other side of the river. So because it's not contiguous, there would be some—we'd have to put an operating presence there, and that's where the costs are a little bit higher.

Senator THOMAS. Have to get a canoe.

[Laughter.]

Ms. MASICA. Part of our Wellness Program.

Senator THOMAS. I see.

So this one in South Carolina, you don't support because of the cost. Is that the idea?

Ms. MASICA. That's correct.

Senator THOMAS. What it is now? It's maintained now as a National monument.

Ms. MASICA. It is managed by the Park Service. Its status is a national monument. It's about 22,000 acres.

Senator THOMAS. I see. So it is managed by the park now.

Ms. MASICA. Yes, sir.

Senator THOMAS. And the area is controlled by the park.

Ms. MASICA. The parts that are within the boundary—it's about 22,000 acres—that is managed and controlled by the Park Service.

Senator THOMAS. Who owns the land, then?

Ms. MASICA. The Park Service.

Senator THOMAS. So this is really just designation change, largely?

Ms. MASICA. Designation change and an expansion is also recommended. The cost is associated with the expansion, not with the designation change.

Senator THOMAS. I see.

The Truman statue, they ask in the bill for an authorization. That's just for an authorization to spend the money, is that right?

Ms. MASICA. Authorization for us to make a grant. We do not have any money budgeted for that.

Senator THOMAS. Nor would you have anything to do with it before or after, is that right?

Ms. MASICA. Correct.

Senator THOMAS. This is just authorizing the expenditure. I see. Okay.

Then the land transfer in Harpers would be Federal land, under your proposal.

Ms. MASICA. The bill would authorize about 1,200 acres to be added to the park. Of that 1,200 acres, almost 800 is already owned by the Federal Government, so it would just be transferred from the Appalachian Trail and from the Fish and Wildlife Service to Harpers Ferry National Historical Park. So there would be no acquisition cost associated with that.

Senator THOMAS. And your proposal, your recommendation, is to transfer that?

Ms. MASICA. Allow for the transfer—to the inclusion of that in the park. And then there's another parcel of 177 acres that is owned by the Civil War Preservation Trust, a nonprofit, who has expressed a willingness to donate that acreage to the park. So, since that would be at no cost, also to allow for that.

Senator THOMAS. So it would end up being around—less than thousand acres instead of the 1,240 under your recommendation.

Ms. MASICA. In round numbers, yes.

Senator THOMAS. Thank you.

Senator BUNNING.

Senator BUNNING. I'm going to inquire about the Kansas City statue of Harry Truman—if that was done with all private funds—in other words, if the \$50,000, in addition to the \$275,000 that's already been raised—that was done with total private funds, would the Park Service have any objection?

Ms. MASICA. No. There wouldn't be a need for an authorization then.

Senator BUNNING. There wouldn't be a need for an authorization.

Ms. MASICA. No, because it would be a totally private—

Senator BUNNING. In other words, if we can convince our good colleague from Missouri, or our two colleagues from Missouri, that if they could get an additional \$50,000 donated for that statue, we wouldn't be coming to you for anything.

Ms. MASICA. That's my understanding, correct.

Senator BUNNING. Okay. Thank you very much.

Senator THOMAS. Any further questions?

[No response.]

Senator THOMAS. Okay, thank you.

Ms. MASICA. Thank you.

Senator THOMAS. Appreciate your being here.

Ms. MASICA. All right.

Senator THOMAS. And I look forward to working with you.

Ms. MASICA. Thank you, Mr. Chairman.

Senator THOMAS. On our second panel, we have Debby Spencer, vice president, West Kentucky Corporation, Bowling Green, Kentucky, Ms. Harriet Hampton-Faucette—I hope that's close—Columbia, South Carolina, Mr. Dennis Frye, president, Civil War Adventures, Sharpsburg, Maryland, and Hattie Fruster, president, Lower Richmond NAACP, Hopkins, South Carolina.

Senator, would you care to introduce—

Senator BUNNING. Thank you, Mr. Chairman.

I am pleased to introduce, before the Committee, Ms. Debby Spencer, from West Kentucky Corporation. Ms. Spencer's testimony will further illuminate the importance of preserving Fort Heiman for Kentucky and for the United States, and I am honored she could join us today.

I am also happy to see Judge Whitaker, from McLean County, Kentucky, here, seated over there. Thank you. Judge Whitaker has been instrumental in the efforts to preserve Fort Heiman.

I would like to thank the committee for its time and consideration, and, further, express my sincere hope that the Senate and this subcommittee will soon pass S. 524, first out of this subcommittee to the full committee, and then to the floor for final passage.

Thank you.

Senator THOMAS. Thank you, sir.

We'll just go ahead, as listed here, and if you could hold your comments to approximately 5 minutes, it would be great, and have questions.

So, Ms. Spencer, would you care to begin?

Ms. SPENCER. Sure.

**STATEMENT OF DEBBY SPENCER, VICE PRESIDENT AND
TOURISM DEVELOPMENT SPECIALIST, WEST KENTUCKY
CORPORATION, BOWLING GREEN, KY**

Ms. SPENCER. Thank you very much for inviting us here today.

First of all, I want to tell you that I'm originally from Missouri, and I'm really excited to hear what Senator Talent has proposed. My grandparents actually live in Blue Springs, and it would be a major opportunity for my grandfather to see something like that happen, because he thinks very highly of Truman.

Senator THOMAS. Great.

Ms. SPENCER. Chairman Thomas and members of the committee, I would like to thank you for allowing us the opportunity to stand before you today to talk about S. 524 in regards to expanding the boundaries of Fort Donelson to include Fort Heiman. For over 20 years, there has been an effort to save Fort Heiman, and it has been, actually, in just the last couple of years that it has become even more imperative because of a developer who began subdividing the property into individual lots. And the shame of all of this is that, where he's proposing to put the subdivision is actually in the heart of the breastworks of the old fort, and this is actually where you can still see the indentations of where the Civil War soldiers were buried and also where the cannon once stood.

This site needs to be preserved for future generations, there is no doubt about it, not only to tell the story about Fort Heiman, but also, as Senator Bunning mentioned, it's also the story about Fort Donelson and Fort Henry, which is three—the trilogy of the three forts is a story to be told to all.

Nearly 3 years ago, a Save Fort Heiman Committee was formed, made up of representatives from the Kentucky Department of Local Government, the Kentucky Transportation Cabinet, Kentucky Department of Fish and Wildlife, the Heritage Council, Sons of the Confederacy, County Judge Executive from McLean County, County Judge Executive from Calloway County, State Senator Jackson,

State Representative Buckingham, Michael Pape, with Congressman Whitfield's office, has served on that committee, as has T. C. Freeman, from Senator Bunning's office. We have also had Congressman Tanner involved in the effort, and Civil War Trust, and the State of Tennessee's Civil War group has been actively involved. I mean, this just shows you how important this is. They all support the initiative, and they're also supportive of the bill and the companion bill that has just come through the House, which is H.R. 646.

We've held numerous community-awareness meetings in both Calloway County and Dover, Tennessee, in which over 300 people attended. We have kept each and every one of them informed, as well as people all over the United States who have expressed an interest. We've done this through e-mail and through an extensive Web site.

We determined that the only way we could save Fort Heiman was to raise the money to purchase the property and then give it to the national park. We estimated that it would cost over a million dollars to do this, to purchase all the land, so we began writing grants. In 2002, we actually received a grant for \$600,000 from transportation enhancement funds, but then we had to come up with the 20-percent matching, which was a challenge to us. But people came forward.

Sons of Confederacy, there was an individual who came forward and said that he would disk and seed a large portion of the property so we could get it back to the native grasses of what it used to look like when it was the Civil War site.

We also had—Fish and Wildlife came forward and said they would provide seed at no cost. They donated that. And the Calloway County Fiscal Court came forward, and they said that they would provide manpower to actually clear the land and remove the undergrowth and the scrub brush so we could plant the seeds and also maintain the roads to the site.

People are working together to make this happen. We have also received a \$75,000 grant from Land and Water Conservation. And, in 2003, the Kentucky Heritage Land Conservation Fund Board, which gets their money from license plates in Kentucky, awarded the project \$105,000 to help pay for surveys and appraisals and other incidental costs, with the promise that we could have an additional \$250,000, when needed, for land acquisition. We have now raised over \$1 million.

On September 23, we actually purchased a major portion of the property. We're now working with each of the individual landowners that had the small lots in the subdivision, to purchase that property, as well, and we're in the process of that.

West Kentucky Corporation and Murray State University have agreed to provide office space within Calloway County for the National Park Service until which time we can build a structure on the site. And, I mean, we're working as best we can to fulfill every need.

S. 524 allows us to give the property to the national park. Please do not let this be in vain. We really request that you consider Senator Bunning's S. 524 with your utmost consideration. Please consider this bill.

Chairman Thomas, all of us who have been involved in this initiative thank you and the committee members for allowing us to testify today. Thank you very much.

[The prepared statement of Ms. Spencer follows:]

PREPARED STATEMENT OF DEBBY SPENCER, VICE PRESIDENT AND TOURISM DEVELOPMENT SPECIALIST, WEST KENTUCKY CORPORATION, BOWLING GREEN, KY

Thank you Chairman Thomas and members of the Committee for allowing me the opportunity to speak on behalf of S. 524, which is sponsored by Senator Bunning and supported by the West Kentucky Corporation, local elected officials and most importantly the people of the Commonwealth of Kentucky.

For over 20 years, an effort has been underway to preserve Fort Heiman.

Nearly three years ago, a "Save Fort Heiman" Committee was formed that included representation from the KY Department of Local Government, KY Department of Transportation, Kentucky Heritage Council, Sons of the Confederacy, Murray State University, Kentucky Department of Fish and Wildlife Resources, West Kentucky Corporation and included Calloway County Judge Executive Larry Elkins, McLean County Judge Executive Larry Whitaker, State Senator Jackson, State Representative Buckingham, Michael Pape with Congressman Whitfield's office, and T.C. Freeman with Congressman Bunning's office as active members. Representatives of Congressman Tanner, the Civil War Trust, and the Tennessee State Civil War group have also been kept abreast and are supportive of this bill and its companion H.R. 646.

Community Awareness Meetings were held in both Calloway County, Kentucky and Dover, Tennessee. More than 300 citizens attending those public meetings have expressed their strong support for the initiative in writing and are kept informed of any happenings through e-mails and West Kentucky's website developed through cooperation with our other offices at the campus of Western Kentucky University in Bowling Green, Kentucky.

In addition, three grants written as well as site visits conducted by numerous agencies and individuals.

In 2002, a grant of \$600,000 from TEA-21 funds was received for land acquisition. The 20% match came in the form of land donation as well as donated labor for disking and seeding the primary property of 25 acres (with a value of \$25,000); Kentucky Department of Fish and Wildlife agreed to donate seed to return the area to native grasses and the Calloway County Fiscal Court has promised assistance in removal of scrub trees, undergrowth and road maintenance to the site.

An additional \$75,000 grant was received from Land and Water Conservation and in 2003, the Kentucky Heritage Land Conservation Fund Board awarded \$105,000 for surveys, appraisals and land acquisition with the understanding that an additional \$250,000 would be available in the future for additional land acquisition.

West Kentucky Corporation and Murray State University have agreed to provide office space until which time a structure can be built on site.

Most recently, on September 23rd, tentatively, a check presentation was held in Murray for the purchase of the land from Dr. Jackson.

West Kentucky Cooperation has been and continues to be the synergy at the local level behind this initiative to save Ft. Heiman.

Mr. Chairman, I am applaud the spirit and intent of federal policy that the committee has promulgated over the years in its effort to both establish and preserve those lands which are of such national significance. It is with that thought that I come before you today, asking the Committee to give favorable consideration to this bill. Last November, with the passage of the Civil War Battlefield Preservation Act a federal precedence was given that recognizes the true historic treasures that these historic sites pose for our nation. I respectfully defer the more pertinent historic information attributed to S. 524 to the National Park Service and Senator Bunning's remarks. Rather, my testimony and appearance this afternoon is directed toward the example of cooperation that can exist between government, all levels of government, and our respective constituency. The opportunity to build upon that cooperative spirit is present at this very moment with the Committee's passage of S. 524.

We ask that the federal government, through its representation on this Senate Committee, as well as the House Subcommittee on National Parks, Recreation and Public Land to partner with entities of local, regional, and state government; thereby furthering the interests of the general public through the long-term preservation and interpretation of Ft. Heiman and Ft. Henry.

Passage of S. 524 conveys the federal government's approval of local governments cooperating, regionally, without regard to geo-political or socioeconomic differences

and the responsibility we both must acknowledge when such an initiative arises from the a local initiative that has garner overwhelming public support.

The boundary expansion of Ft. Donelson so stated in S. 524 to include Ft. Heiman will enable this Committee to acknowledge the response to a local initiative, which they has already garnered overwhelming public support. Please give S. 524 your greatest consideration.

Thank you, Chairman Thomas, and each member of the Committee for hearing my testimony today on behalf of Senator Bunning's bill, S. 524, Judge Elkins and Calloway County Fiscal Court, West Kentucky Corporation, and the people of Kentucky.

Senator THOMAS. Thank you very much. I appreciate your being here.

Mr. Frye.

**STATEMENT OF DENNIS E. FRYE, PRESIDENT,
CIVIL WAR ADVENTURES, SHARPSBURG, MD**

Mr. FRYE. Mr. Chairman, members of the committee, I'm here to speak on behalf of S. 1576, introduced by Senator Byrd and cosponsored by Senator Rockefeller, which involves the expansion of the boundary at Harper's Ferry National Historical Park.

I, personally, feel very gratified to be here today and be asked by Senator Byrd's office to be here, because I have 20 years of my life invested in Harper's Ferry National Park, working there as a ranger and historian and, eventually, the chief historian. And so today I'm in the private sector, and I'm pleased to be able to be here to speak in support of this bill.

The administration noted that much of the land is Federal property, and that is true. And they also noted that they had an objection to bringing in various private parcels that are not part of this Federal property at this time. I would submit to you, Mr. Chairman, that that would be like going to the Gettysburg Battlefield and taking a huge chunk out of Cemetery Ridge—or Seminary Ridge in the heart of the battlefield, and not including it simply because it was private property, completely ignoring the significance of the history that occurred at that site.

This bill will complete the battlefield, it will protect it in its entirety, and it will do a fine job of opening it up for public visitation and giving us very—excellent interpretation of that site.

So I hope that you will consider the bill that has been submitted by Senator Byrd, cosponsored by Senator Rockefeller, in its entirety, because if we don't take care of that ground now and include it in the park boundary, the potential expense in the future will be much greater—much, much greater than it is today.

Jefferson County is one of the fastest-growing counties in the State of West Virginia, and we are very fortunate that this area still retains so much of its historical integrity. So I do urge you to move in support of this bill so that we may see the completion of the battlefield, and to protect it for our future.

I would like to add, in conclusion, Mr. Chairman, that this has been a effort that's been conducted on a very broad scale. It's been a very democratic process. We like to think of the creation of our national parks being democratic, and this one of the best examples that I can think up. We have worked, for the last 15 years, diligently in the community to raise awareness of the significance of this site, and we've had tremendous success in building a consensus on behalf of the protection of this battlefield. Not only have

we been successful locally, in working with the county, county officials, and State officials, but we also have been very, very successful in bringing nationally significant groups, such as the National Parks and Conservation Association, the National Parks Trust, and the Trust for Public Lands.

And, finally, I'd like to state that two organizations have been very active in supporting this and have been non-failing in their persistence to bring about success here, and that would be the Friends of Harpers Ferry Park and the Harpers Ferry Conservancy, representatives which we have here today. I want to acknowledge their excellent help in bringing this to the attention of our West Virginia representatives and having the opportunity to bring it to you here today.

We look forward to including this in the park, opening it up to future public interpretation, and finally having a boundary around Harpers Ferry, Mr. Chairman, that will truly preserve the significant historical resources that are there, especially these Civil War resources.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Frye follows:]

PREPARED STATEMENT OF DENNIS E. FRYE, PRESIDENT, CIVIL WAR ADVENTURES,
SHARPSBURG, MD

Dear Senator Thomas and fellow members of the Committee: I am extremely honored to appear before you today to testify on behalf of S. 1576 a bill to revise the boundary of Harpers Ferry National Historical Park.

Appreciation to Senator Byrd

First, however, I must acknowledge the vision and persistence of Senator Byrd in introducing this significant legislation. Senator Byrd has worked tirelessly to preserve and protect Harpers Ferry Park for nearly fifty years. Senator Byrd was the first to appreciate that threatened historic resources existed just west and south of the present park boundary in Jefferson County, West Virginia. In 1988, Senator Byrd mandated that the National Park Service conduct a Special Boundary Study to identify these historic sites and make the public aware of their existence. Through the leadership of Senator Byrd, Harpers Ferry received national attention as a Priority I Civil War battlefield in 1993, spotlighting the uncertain future of Harpers Ferry's threatened historic resources. In 2000, the Senate Appropriations Committee (through Senator Byrd) instructed the National Park Service to conduct public hearings to determine the will of the people regarding the expansion of the park boundary to preserve and interpret these historic sites. The overwhelming affirmative response from the public inspired Senator Byrd to introduce S. 1576. We are grateful.

My Involvement

As former Staff Historian and later Chief of Interpretation & Cultural Resources Management at Harpers Ferry NHP, I am intimately familiar with the park's complex and layered history. I worked at Harpers Ferry Park for 20 years, and during that time, my research discovered nationally significant historic resources that were excluded from park protection and interpretation. To inform the public about these resources and potential threats to their integrity, I wrote articles for publication in national Civil War magazines and news journals; lectured to interest groups across the nation; offered guided tours and visits to the sites; engaged national preservation organizations; and sought opportunities for positive media coverage. I also inaugurated an educational program for Jefferson County grade school students that culminated in an annual field trip to one of the principal historic sites. In addition, I initiated land preservation opportunities with the Civil War Trust, the Association for the Preservation of Civil War Sites, and the Civil War Preservation Trust, which resulted in the acquisition of nearly 230 acres of pristine battlefield adjacent to the park boundary.

Superintendent Campbell's Leadership

Donald W. Campbell, the masterful and incomparable Superintendent of Harpers Ferry Park for the past 24 years, embraced my research and discoveries, and he quickly grasped the value and potential threats to the historic resources located adjacent to the park's present boundary. For the past 15 years, Superintendent Campbell has responded to Senator Byrd's mandates to:

- 1) publicly identify these resources;
- 2) assess their condition and significance;
- 3) inform and educate both local and national communities about their existence;
- 4) consult with constituent groups (such as Friends of Harpers Ferry Park, the Harpers Ferry Conservancy, the Jefferson County NAACP, and national preservation organizations);
- 5) meet and work directly with private landowners to accommodate their interests and concerns;
- 6) apprise elected officials at local, state, and national levels about ongoing preservation efforts.

This mammoth task has required dozens of meetings, hundreds of hours, and thousands of people. But Superintendent Campbell's extraordinary persistence, leadership, and vision generated the momentum and consensus necessary to permit Senator Byrd to introduce legislation to expand the Harpers Ferry Park boundary.

Current Boundary Acreage Maximized

Inclusion of the Murphy Farm and several smaller tracts within the Harpers Ferry NHP boundary in 2003 maximized the park at its acreage ceiling of 2,505 acres.

Superintendent Campbell cooperated with an extensive local and national coalition that produced the recently concluded acquisition of the Murphy Farm. This extraordinary 100-acre site, comprising the southern portion of Bolivar Heights, is the location of Confederate General A. P. Hill's flanking maneuver that ensured the largest surrender of United States troops during the Civil War on September 15, 1862. It also served as home to the relocated John Brown Fort from 1895-1909, where Civil Rights activist W.E.B. Dubois and 100 members of the 1906 Niagara Movement conference made a pilgrimage in 1906.

Through Superintendent Campbell's diligent and protracted relationship with Jim Murphy and his mother Josephine Murphy Curtis who tirelessly worked to preserve their farm and the memory of their ancestors the National Park Service completed acquisition of the Murphy Farm in 2003, whereupon it was included within the park.

Expanded Boundary Will Protect Additional Historic Sites

The National Park Service boundary report, completed in September, 2002 (and since revised), recommends adding 1,240 acres to the park. This will expand the boundary to a total of 3,745 acres.

Of the 1,240 acres, nearly 63% (772 acres) already are owned by the federal government. This acreage is adjacent to, but not within, the present park boundary. The historic resources within this federal acreage are located on the southern end of School House Ridge and on Loudoun Heights.

The School House Ridge federal property has been identified as "Jackson's right flank." On September 13-14, 1862, during Stonewall Jackson's siege of Harpers Ferry, Confederate General A. P. Hill's division occupied this position, and from here, it embarked on its successful flanking maneuver to the Murphy Farm. The federal government owns 267 acres at this site, all of which will be included within the expanded park boundary.

The Loudoun Heights tract consists of 375 federally-owned acres, currently administered by the Appalachian National Scenic Trail. This property, which is rich in Civil War archeological resources, was donated to the United States, ultimately to be included within Harpers Ferry NHP. The expanded boundary will permit these sensitive Civil War resources to receive appropriate protection and preservation treatment, as well as honor the original intent of the donor.

Of the remaining 368 private acres to be included within the new boundary, 48% (177 acres) is owned by the Civil War Preservation Trust on School House Ridge. CWPT acquired this property in 2002 for the express purpose of donating it to Harpers Ferry NHP. The boundary expansion will permit this donation as well as permit public access to and interpretation of Stonewall Jackson's 1862 siege battlefield.

This leaves 291 acres of private land (or 23% of the 1,240-acre boundary expansion). The bulk of this is included within five tracts, and property owners have been

made aware of the expansion proposal and the historical significance of their lands. Most of this land is located on School House Ridge, where Stonewall Jackson placed nearly 15,000 men during his 1862 investment of Harpers Ferry. Inclusion of this property within the expanded boundary is necessary to protect Jackson's battlefield and eventually offer a complete interpretation of the military actions that transpired here.

Conclusion

I urge the members of the Senate Subcommittee on National Parks to support S. 1576, co-sponsored by Senators Byrd and Rockefeller. Both senators recognize the importance of including the nationally significant resources on School House Ridge and Loudoun Heights within the protection of Harpers Ferry National Historical Park. Both senators understand the economic benefits West Virginia derives from the preservation of Harpers Ferry. Both senators have witnessed the public support for expansion of the boundary by 1,240 acres to a maximum of 3,745 acres. Thank you for offering your support to Senators Byrd and Rockefeller and S. 1576.

Senator THOMAS. Thank you very much.

Mrs. Hampton.

STATEMENT OF HARRIET HAMPTON-FAUCETTE, COLUMBIA, SC

Mrs. HAMPTON-FAUCETTE. Chairman Thomas and the rest of the committee, I'm very honored to be invited to speak here today in support of S. 1313, Senator Hollings' Congaree National Park Act, which expands the boundary of Congaree Swamp National Monument and changes the designation to the Congaree National Park.

I'm here today not only as a lifelong resident of Richland County, but also as a board member of Friends of the Congaree Swamp, which is a very active and passionate support group for this park. In fact, the Friends have raised a great deal of money and have just completed building a substantial picnic shelter for visitors to the park, and that did not cost the National Park Service any money to put that up. And we continue to raise money. And everything that we contribute is, of course, to National Park specifications.

Since we began this journey 2 years ago, I've been amazed at the outpouring of support from business and environmental communities in the State of South Carolina and nationally. I'd like to present these letters from people in South Carolina.

As Senator Hollings mentioned, this legislation is also supported by Richland County Council, the South Carolina Department of Natural Resources, the S.C. Department of Parks, Recreation, and Tourism, Greater Columbia Chamber of Commerce, Sierra Club, South Carolina Wildlife Federation, the University of South Carolina Department of Geology, and others.

This area is a personal passion of mine, because I have been in all of the majestic trees there since I was a child and went there with my father. My father, the late Harry Hampton, fought for decades, long before environment and wilderness preservation were popular causes, to have this unique area preserved for future generations. He fought a one-man battle, made a lot of enemies, met a lot of opposition to try to raise public interest in this largest tract of virgin, old-growth hardwood bottomland forest on North America.

I witnessed my father, when I was growing up, driving his little yellow Ford all over the State, making speeches to sportsmen's groups, and they were often hostile. He would come home ex-

hausted. He was sometimes even booed after his speeches. But he never gave up. Even his own family thought of him as “crazy old Harry, the family eccentric.” He’s now recognized as a visionary that left a lasting legacy.

In the 1970s, a younger group of environmental activists joined the fight, and, thanks to them, in 1976 Congress passed a bill declaring the Congaree Swamp National Monument a reality. My father passed away in 1980, but he had lived to see that his beloved Congaree would be preserved. Subsequently, the visitor’s center there was named for my father in response to a petition signed by thousands of people who knew of his efforts.

The swamp is actually a floodplain and was designated as a monument due to the small land mass initially included. With the expansion in 1989 and this proposed additional acreage, it is only right to appropriately designate the area as a national park. It has the historical, cultural, ecological, and geographical criteria to warrant national park status.

The proposed acquisition of this additional approximately 4,600 acres voluntarily offered for sale by private landowners would be invaluable in protecting this unique and pristine ecosystem. Studies for the National Park Service have found no other area in the Southeast of comparable geological and biological significance.

I understand that Hattie Fruster is here today testifying on behalf of some landowners in Richland County, and their opposition to this. Believe me, nobody understands better than I do the desire to keep long-held family land in private ownership. No one is being targeted to give up their land. These people who are offering their land for acquisition came forward willingly, wanting their land to be added to the preserve, the park, and wanting their property to be part of the legacy for future generations.

I cannot stress enough the importance of this legislation to the State of South Carolina and the Nation as a whole. Crazy Harry is definitely smiling down on us today.

Again, I thank you for holding the hearing today, and I do urge the Committee’s support. I thank you very much.

[The prepared statement of Mrs. Hampton-Faucette follows:]

PREPARED STATEMENT OF HARRIET HAMPTON-FAUCETTE, COLUMBIA, SC

Good morning, Chairman Thomas and Ranking Member Akaka, I am honored to be invited to address you in support of S. 1313, Senator Hollings’ Congaree National Park Act, which expands the boundary of the Congaree Swamp National Monument and changes the designation to the Congaree National Park. I am here today as not only a lifelong resident of Richland County but a Board Member of the Friends of the Congaree Swamp. Since we began this journey two years ago, I have been amazed at the outpouring of support from the business and environmental communities both in the State of South Carolina and nationally.

This area is a personal passion of mine. My father, the late Harry Hampton, fought for decades—long before the environment and wilderness conservation were popular causes—to have this unique area preserved for future generations. He fought a one-man battle, writing newspaper editorials and in his outdoor column, “Woods and Waters,” pleading to raise public interest in the largest tract of virgin, old-growth hardwood bottomland forest in the East. Growing up, I witnessed my father writing newspaper articles, letters to officials, and driving his little yellow Ford all over the state to make speeches to various sportsmen’s groups, returning late at night in a state of exhaustion after speaking to audiences that were so often hostile. But he never gave up. My father received almost no support in his efforts, even from his own family; I recall family dinners where my uncles ridiculed him for his passionate speeches on behalf of the need to preserve the Congaree. The family

treated him like “crazy old Harry,” the family eccentric whereas he is now recognized as a man who left a lasting legacy and was a pioneer in the field of wildlife and environmental conservation.

For many years, a hunting and fishing club my father belonged to had leased rights from the timber company that owned the Congaree. Some of my father’s hunting buddies told me that it was obvious Harry’s main interest was not in bagging game. When a covey of birds or flock of ducks flew over, someone would say, “Where’s Harry?” My father would be out wandering among the champion trees, admiring them and pondering how to save them from becoming coffee tables or night stands. It’s not surprising that other members of the club were violently opposed to my father’s desire to have their playground taken away and made a federally protected wilderness. I am now in awe of my father’s vision and commitment and his refusal to give up, despite the abuse heaped on him by many; he was even “booed” after some of his speeches.

Thanks to younger environmental activists who appeared on the scene in the 1970s, my father’s dream became a reality when in 1976 Congress passed a bill creating the Congaree Swamp National Monument. My father passed away in 1980 but he lived to see that his beloved Congaree would be preserved and to celebrate with his fellow environmental conservationists! In response to a petition signed by several thousand people who knew of my father’s efforts, Congress passed legislation in 1984 approving the naming of the monument’s guest and staff facility the Harry Hampton Visitors Center.

The Congaree Swamp, which is actually a flood plain, was designated as a monument due to the small land mass initially included. With the expansion in 1989 and this additional acreage, it is only right to appropriately designate this area as a National Park. The proposed acquisition of this additional 4,600 acres would be invaluable in protecting this unique, pristine ecosystem—recognized as part of the international biosphere reserve. Studies by the National Park Service have found no other area in the Southeast of comparable geological and biological significance. The properties involved are being offered for sale by private landowners who have come forward requesting their properties be conserved as part of the park. Should the additional acreage be added to the park, this acquisition would in no way affect adjacent land owners property rights.

The worldwide significance of the Congaree was brought home to me recently when I had breakfast with a friend from Tennessee who had recently returned from a trip with other naturalists to the Amazon. Around their campfire one night, they were discussing biodiversity and the international biosphere. My friend asked, “Isn’t there ANY place in the Southeast that qualifies?” The answer from a companion who lives on the West Coast : “Remember the Congaree Swamp!”

Thank you for holding this hearing today. I urge the Committee’s support.

Senator THOMAS. Okay, thank you very much.

Ms. Fruster.

**STATEMENT OF HATTIE FRUSTER, PRESIDENT,
LOWER RICHLAND NAACP, HOPKINS, SC**

Ms. FRUSTER. Mr. Chairman, I would like to thank you very much for letting me and others come before you today to speak about the Congaree Swamp.

My name is Hattie Fruster. I’m president of the Lower Richland Chapter of the NAACP. I was born and reared in Richland County, Lower Richland County. I also own property in Lower Richland County. I have traveled here today from a rural community in Lower Richland County, outside the State capital, to ask you to oppose changing the designation of the Congaree Swamp from a national monument to a national park, as well as to oppose changing the size or scope of the swamp. If you allow these changes to take place, you will threaten our homes, churches, farms, rights, and children’s inheritance. You will affect an area that is already under siege by county council. It is trying to grab 330 acres—330 square miles of our private property through restriction, down-zoning in the name of preservation. They’re doing it with a land-use plan

called Town and Country. This plan named all 330 square miles of our land in Lower Richland the Congaree Preserve.

Young, old, black, white, Democratic, Republican, Liberals, and Conservatives, and people from all income levels have come together to oppose this park.

The land the national park will affect is the same land we are fighting to save from the county. It was acquired by families as freed slaves. Lower Richland is the largest contiguous land mass on the east coast that is still predominantly Afro-Americans-owned. It is also the largest mass of nearly all farmland that is within a 15-mile drive of the metropolitan city, State capital, and on the east coast. There is a gold mine in the real estate in Lower Richland, and it's not for sale.

We appreciated being heard by you today. We did not bring a crowd, but we do have representatives here from South Carolina Property Rights, Moving Forward, Lower Richland NAACP, and we also have some with us today have already lost their land that they inherited from slavery, to the Congaree Monument.

National Parks can condemn land. All across the country, property rights and property values are being threatened by National Parks, and the extreme conservatives are allowed to make decisions concerning them.

The Congaree National Monument is already a national wilderness area. There is no vehicle, roads, or we cannot cut our trees. We have seen the Nature Conservancy map and maps of South Carolina farmland. It's a program that both shows miles of restricted buffer zones on the private property around—that allows extending around preserve areas across a river of Calhoun and Lexington Counties, plus huge areas called “corridors.” They go all the way from the core area of Columbia and to the Sumter County line. Restricting these areas that would wipe out more counties of private property.

We just learned that, years ago, the Congaree Monument was designated as a United Nations Biosphere Reserve. This was done without citizens' input and without the approval of the Congaree, who mostly ultimately gave up authority over the preserve.

The Biosphere Reserve Program clearly calls for the taking of private property. According to the United Nations, land must be available through appropriate zoning for a preserve core. The parks—are often restricted areas, a buffer zone of private property around the reserve.

[The prepared statement of Ms. Fruster follows:]

PREPARED STATEMENT OF HATTIE FRUSTER, PRESIDENT, LOWER RICHMOND NAACP,
HOPKINS, SC

First, I would like to thank Chairman Thomas, Ranking Member Dorgan, and the other distinguished members of the Committee for the opportunity to speak here today.

I'm Hattie Fruster, President of the Lower Richland NAACP. I have traveled here from Hopkins, SC, a rural community in Richland County, outside our state capital of Columbia, to ask you to OPPOSE changing the designation of the Congaree Swamp from a National Monument to a National Park, as well as to oppose changing the size or scope of the swamp. If you allow these changes to take place, as are provided in Senator Hollings' bill, S. 1313, you will threaten our homes, churches, farms, rights, and children's inheritance. You will also increase federal presence in an area that is already under siege by Richland County Council who, guided by local extreme environmentalists, is already seeking to grab 330 square miles of our pri-

vate property through restrictive zoning, under the guise of “preservation.” This is being done by passing an intrusive comprehensive land use plan, called the Town and Country Plan, which will be implemented by downzoning our land in Lower Richland. They have named our entire area “the Congaree Preserve.”

Even though it was passed in 1999, we have held up the restrictive zoning associated with our Plan for nearly 5 years.

In addition, the SC legislature just passed a law, the Conservation Bank Act, to fund designated land trusts with \$50 million per year to grab up more land from us (by acquiring title) and land rights (by acquiring conservation easements). That’s a million dollars a week for at least 10 years.

Our comprehensive land use Plan targets minorities, and will result in segregation and gentrification, but it will also negatively affect every property owner in the county. That’s why our people—YOUNG, OLD, BLACK, WHITE, DEMOCRAT, REPUBLICAN, LIBERAL AND CONSERVATIVE, AND people from ALL INCOME LEVELS, have come together to oppose it.

The land the National Park will affect is the same land we are fighting to save from the County, much of which was acquired by families as freed slaves. That someone wants our land is no accident. Lower Richland is the largest contiguous land mass on the East Coast that is still predominately African-American owned. It is also the largest mass of nearly all pristine farmland that is within a 15 minute drive of a major metropolitan city, or state capital, on the east coast. There is a gold mine in real estate, and it’s NOT FOR SALE.

Turning the Congaree Swamp into a National Park will add the power of the federal government to the bitter struggle that is already going on in SC over land which we have been loving stewards of for centuries.

We appreciate being heard by you. Unfortunately, we were not told we could speak until it was too late to get together a crowd of our people to come with us. We work, sometimes two and three jobs, and a trip to Washington with two days notice is difficult. Still, I have brought some of those today who have been involved for years in our fight for property rights. I wish you could hear from them all. But since that’s not possible, you will be hearing their voices when I speak, because we are all of one accord. Kay and Bill McClanahan are here with the SC Property Rights Watch and Richland Landowners Association. Lilly Bates, our Vice President of the Lower Richland NAACP, is here. We have members of the Moving Forward Association. We also brought someone who has already lost the land her family acquired as freed slaves, when the swamp became a National Monument, and we have people here who most assuredly will lose their family land once the Monument becomes a Park. Please don’t believe others when they say that this will not happen. We are the proof.

Changing the Congaree Swamp from a Monument to a National Park involves much more than changing the name. National Parks can condemn land. If you allow this change to take place, it is just a matter of time before they take our farms and homes around the swamp.

All across this country, property rights and property values are being threatened by National Parks and the extreme environmentalists who are being allowed to make key decisions concerning them.

The Nature Conservancy is involved in this. We’re told they are the ones making the arrangements for the expansion of the swamp. Nature Conservancy is under Congressional investigation because of their Enron-like business practices with land they have acquired, often using our tax dollars. The Sierra Club is already applauding this bill and asking for expansion of the park. They do not care what the impact will be on the people who live beside or near it. They just pushed to ban all commercial harvesting of trees on all national forest land, including SC’s Sumter and Francis Marion National Forests. They are opposing the bill before this Senate to allow the Forestry Service to protect our nation’s trees from wildfires, like those which are ravaging the West.

The Congaree National Monument is already a National Wilderness area, where no motorized vehicles are allowed, no roads, and no tree cutting. We have seen a map prepared by the Nature Conservancy showing great big buffer zones on our private property around the swamp, and another which is an official part of the SC Forestland Legacy Program which shows the core area of the swamp and miles of buffer zones around it, plus huge areas called “corridors” which go all the way into the City of Columbia and into Sumter county, all of which will be restricted. Some core and all the buffer and corridor land is private property. The core area found in Calhoun County, Lexington County, and Richland County and it’s buffer zones and corridors could easily wipe out several counties of our private property.

Things have already happened at the Congaree Swamp which should have been shared with the people who live down there, and with our Congress. We just learned

that, years ago, the Congaree Monument was designated as a United Nations Biosphere Reserve (The South Atlantic Coastal Plain Biosphere Reserve) through the Man and Biosphere (MAB) Program of UNESCO. This should never have been allowed to happen. It was done without citizens' input and without the approval of Congress, who must ultimately give up authority over the property in it. Please do not let anyone tell you that the UN does not control these areas. Yellowstone National Park has nearly been put OFF LIMITS to the American people, and the American government must now report to the United Nations every year in order for it to be able to continue to function. This can happen to us in SC.

The Biosphere Reserve program clearly calls for the destruction of private property rights. Some states have opposed it outright. We oppose it as well. According to the UN, in order to qualify to be a biosphere reserve, land must be available "through appropriate zonation"—that's a quote—for: a preserved "core," which is the Park or other restricted area; a "buffer zone" or zones around the core, which includes private property, where according to the UN, human activities are to be managed, and finally; an area outside the buffers where sustainable "Smart Growth" management practices" are used. The Town and Country Comprehensive Land Use Plan will clearly provide the zoning necessary to extend the tentacles of the swamp's biosphere reserve out into our private property.

We need your help, not to further weaken us, but to save us. If you change anything at the swamp right now, you'll be helping the other side.

Sustainable development or "Smart Growth," as it is called, is an elitist, radical environmental policy which has become a cancer to this nation. Sustainable development, buffer zones on private property, restriction of our lives and futures—is all part of a UN Treaty that was rejected by this U.S. Senate in 1994. Surprisingly, even though YOU refused to embrace this radical concept, we are seeing its implementation everywhere.

Everything I am saying today is documented. Our proof came from the United Nations, Congaree Swamp, National Parks, official governmental maps, leading experts' commentary, media news, and some of the many citizens' groups who have been affected by similar land-use restrictions. I will also be happy to provide you with names of people from other states who have fallen victim to a National Park.

Please oppose this measure and end ALL designations at the Congaree Swamp that could erode Congress' own authority over it, or the rights of people who own property around it.

This bill is finally the explanation for us why all our private property in Lower Richland County has been designated as the "Congaree Preserve," and why we have been targeted for the most aggressive land-grab and social engineering project in the history of America.

Our Plan will purge an entire income level of people from our county, many of whom will be African American families who have owned their land since slavery. Surely you don't want to be a part of that.

Please don't do this. Don't spend another dime on it. We have so many truly worthy causes that need your attention. The children, the poor, and the elderly of SC and across our country need your help. The Congaree Swamp does not.

Thank you for allowing me and my friends and neighbors to join you today.
God bless you and God bless America.

Senator THOMAS. Thank you.

Ms. FRUSTER. Thank you.

Senator THOMAS. Thanks to all of you.

Just a couple of short questions. Ms. Spencer, some of this land that you're talking about, then, has been set up for subdivisions in the future. Is that correct?

Ms. SPENCER. That's correct.

Senator THOMAS. What arrangements? Is this all willing-buyer arrangement?

Ms. SPENCER. There's about 20 landowners that own lots in there. We have talked to a number of them, and they are willing sellers. Right now, we're trying to appraise the properties to find out what the appraisal price will be, and then we will negotiate with them. But, as of, you know, thus far, we've had some willing sellers.

Senator THOMAS. And so the cost to the Park Service is just going to be the subsequent management of that.

Ms. SPENCER. Right. We will give them all of the property that we are able to acquire.

Senator THOMAS. And that will be a park. All of it will be a park.

Ms. SPENCER. Yes.

Senator THOMAS. Mr. Frye, how long has the Harpers Ferry Park been there?

Mr. FRYE. Harpers Ferry Park was established, Mr. Chairman, in 1944, so we're coming up on the 60th anniversary next year.

Senator THOMAS. And you've felt, the whole time, that you weren't complete?

Mr. FRYE. That is correct, yes, sir. The park has actually expanded numerous times from its original boundary, so this will not be the first. It's not unprecedented to—

Senator THOMAS. Will it be the last?

Mr. FRYE. I hope, in West Virginia, that'll be the case, yes, sir. We certainly hope so.

Senator THOMAS. I'm a little more sensitive, I guess, about that than most people. I live in a State that's already 50 percent federally owned, and at some point I think, you know, we're going to have to have some—either some tradeoffs or something so that Federal land ownership doesn't continue to grow. Now, in your State I suppose that's not as much of an issue.

Mr. FRYE. It is not. This represents a very small percentage of the overall land mass in Jefferson County, as well, Mr. Chairman. And, again, we've worked very hard to build public consensus there, locally and regionally, in support of this.

Senator THOMAS. So that would be willing sellers, as well.

Mr. FRYE. That's correct. All the private-property parcel-owners have been contacted, and we've been working with them over the last, as much as, 10 years to try to negotiate and preserve these properties. Yes, sir.

Senator THOMAS. Okay.

Ms. Faucette, it's already a monument, isn't that correct?

Ms. HAMPTON-FAUCETTE. That's correct.

Senator THOMAS. Is it the whole area that you're talking about is now a monument?

Ms. HAMPTON-FAUCETTE. Well, the 22,000 acres that we already have is the national monument.

Senator THOMAS. I see.

Ms. HAMPTON-FAUCETTE. And they were hoping to acquire the 4,600, approximately, additional acres that have been offered for sale by private landowners which would give more of a buffer.

Senator THOMAS. What's the particular advantage to having it a park, as opposed to what it is now?

Ms. HAMPTON-FAUCETTE. Well, to be honest, I think it's more prestigious. Maybe that is why. It would give it more attention, because the Congaree is not that widely known, except for people who are experts in the field of biodiversity. And we have researchers coming from all over the world to study it.

Senator THOMAS. Now, this is an international biosphere reserve. Is that correct?

Ms. HAMPTON-FAUCETTE. Reserve, right.

Senator THOMAS. What will that have to do with the—what impact will the change have to do with that?

Ms. HAMPTON-FAUCETTE. It won't have any. Sorry about that.

Senator THOMAS. No, that's fine.

Ms. FRUSTER. How many property owners are there, private property owners, within the proposed expansion?

Ms. FRUSTER. Lower Richland is a predominantly Afro-American community, and our income in Lower Richland is approximately—average of \$20,000 or \$25,000 a year. It would be hard and a burden on the Afro-American community if they will have to relocate, because most of the people in Lower Richland live in manufacturer's homes. They already own their own property. This is why some of the—means that the young people can't afford to buy a home or come to ownership until they are able to build their own houses. We also have a lot of people in Lower Richland that is on fixed incomes, such as myself, that is disabled, and it would be hard for us to relocate. And so we will lose all our inheritance, because the land, the majority of the land, in Lower Richland was inherited through slavery, and we would not like to lose our land.

Senator THOMAS. How many people are there impacted? Do you know?

Ms. FRUSTER. Well, we only have the map. They have never had a community meeting with us, with the people in Lower Richland. Other organizations have endorsed the plan, but we, in Lower Richland, the citizens, have never had the opportunity to sit down and discuss this plan with them, how it will affect us. They've never done the impact study. So we don't know where we stand, no more than what we read in the maps and what they already have written down how it will affect us.

Ms. HAMPTON-FAUCETTE. There's another community meeting planned for this coming Monday.

Senator THOMAS. Let me go back to you. Now, there's already 22,000 acres set aside, is that correct? You're talking about additional 4½ thousand.

Ms. HAMPTON-FAUCETTE. Yes. Four-thousand——

Senator THOMAS. And that's the 4,000 that these people——

Ms. HAMPTON-FAUCETTE. I guess. But this is not to pressure other landowners to sell their land. This is offered, you know, on the map, just these bits, by private landowners who want to sell.

Senator THOMAS. All right, thank you.

Senator Bunning, no questions?

Well, we thank you very much for your input. We'll be considering these proposals before the full committee. So thank you so much for being here.

If you have additional questions, we'll submit them to you. If you have comments, we can put them into the record.

So the committee is adjourned.

Ms. HAMPTON-FAUCETTE. Thank you very much.

Senator THOMAS. Thank you.

[Whereupon, at 10:50 a.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF DEBBY SPENCER TO QUESTIONS FROM THE COMMITTEE

Question 1. How many property owners are in the area of the proposed expansion? Are any of these property owners opposed to the expansion?

Answer. The Calloway County Fiscal Court recently purchased a large parcel of land to serve as a buffer between Fort Heiman and any development. We have also held numerous public meetings in both Calloway County, Kentucky and Dover, Tennessee and there have been numerous articles in newspapers in both states. We have had no opposition that I am aware of. In fact, the communities surrounding Fort Donelson have actually formed a "Save Fort Heiman" grassroots organization to preserve the site. They are very excited about the possibility of it becoming a part of the National Park Service.

Question 2. Fort Heiman is mentioned in the bill under consideration. What is the relationship between Fort Heiman and Fort Donelson?

Answer. The capture of the trilogy of forts (Heiman, Henry and Donelson) that guarded the Tennessee and Cumberland Rivers by the Union constituted the first major Union victory in the Civil War. The outcome earned Brig. General Ulysses S. Grant his promotion to major general and the nickname "Unconditional Surrender Grant" and prominence that lead to the Presidency of the United States.

If decisions had been made differently during this crucial pivot point of the war, some say the outcome might have been different. For one to properly interpret Fort Donelson, one needs to understand the important role of Fort Heiman.

Question 3. Fort Heiman has been subdivided for future development. How many lots have been sold and how many are still available for sale?

Answer. There are 45 lots within the subdivision. Twenty-two of the lots have been sold to fourteen different property owners. The remaining lots were purchased by the Calloway County Fiscal Court on September 23, 2003 when they purchased the surrounding 160 plus acres. It is their intent to give all of this property to the National Park if Congress allows it.

There is one home built in the proposed area, which serves as a weekend retreat for its owner, and one home partially completed. Both home owners are very supportive of the area becoming a National Park, but have expressed a strong interest in retaining their homes. I have also personally spoken to nine of the twelve other property owners who would be willing sellers if a fair price were offered. I have left messages for the remaining three property owners. I have heard that they are willing sellers, but I have not personally spoken to them.

CIVIL WAR ADVENTURES,
Sharpsburg, MD, October 8, 2003.

Mr. PETE LUCERO,
Subcommittee on National Parks, U.S. Senate, Washington, DC.

Re: S. 1576

DEAR MR. LUCERO: Below are responses to the questions you forwarded to me yesterday.

RESPONSES OF DENNIS E. FRYE TO QUESTIONS FROM THE COMMITTEE

Question 1. How many acres would this legislation authorize for addition to Harpers Ferry?

Answer. 1,240 acres.

Question 2. How many private property owners have land within the boundaries of the proposed expansion? Are any owners opposed to the expansion?

Answer. None. Property is outside the boundary until it is acquired, either through donation or government purchase. Property can only be obtained from willing sellers. The park superintendent has met individually with each owner to explain the public's interest in their parcels. To my knowledge, I am unaware of opposition.

Question 3. Are private property owners within the boundaries of the proposed expansion currently restricted from developing their property? Will authorization to purchase the property lead to restrictions or pressure on private property owners?

Answer. Owners are not restricted from development. This authorization cannot produce restrictions or downzoning. There is no pressure on landowners as private property can only be obtained from willing sellers.

October 14, 2003.

TO: TOM LILLIE and DAVID BROOKS
FROM: DABNEY HEGG

Re: S. 1313, Congaree National Park Act landowner information

To follow-up with Chairman Thomas' request for information on the landowners affected by the expansion of the Congaree Swamp National Monument, the following is their specific information. All landowners have come forward as willing sellers:

Santee River Limited Partnership (2,420.4 acres)—The Santee River Limited Partnership is managed by and consists of members of a Chicago based family.

Riverstone Properties LLC (1,886 acres)—Riverstone Properties LLC is a partnership managed by a Richmond, Virginia based individual who is the managing partner.

Johnston River Tract LLC (270.46 acres)—The Johnston River LLC is managed primarily by Otis C. Johnston, who resides in Columbia, SC and is the managing partner.

RESPONSES OF HARRIETT HAMPTON-FAUCETTE TO QUESTIONS FROM THE COMMITTEE

Question 1. In addition to being a National Monument, the Congaree Swamp is also an International Biosphere Reserve. What is the size of the biosphere reserve relative to the size of the park?

Answer. The 15,200-acre Congaree Swamp National Monument was authorized by Congress on Oct. 18, 1976, and was designated as a Biosphere Reserve on June 30, 1983. Congress authorized a 7,000-acre expansion of Congaree Swamp National Monument to 22,200 acres in 1988.

Question 1a. Is the Biosphere Reserve under consideration for expansion and has that resulted in any confusion over the National Park Service expansion?

Answer. The Biosphere Reserve is not under consideration for expansion. Legislation to expand and redesignate Congaree Swamp National Monument to Congaree National Park is in no way related to the park's 1983 designation as a biosphere reserve.

There may be some confusion. Ms. Fruster's Oct. 2, 2003, testimony before the National Parks Subcommittee indicated that she has been misinformed. While speaking about biosphere reserves, Ms. Fruster stated, "Yellowstone National Park has nearly been put OFF LIMITS to the American people." Yellowstone's 2002 visitation of approximately 4 million visitors indicates otherwise. The biosphere reserve program's main purpose is to award recognition to sites of exceptional ecological, scientific or cultural importance. Contrary to Ms. Fruster's testimony, recognition does not pose a threat to the sovereignty of American lands; it does not impose management or reporting requirements on public lands; it does not impose land-use or regulatory restrictions on private property owners; and it does not restrict economic growth. Biosphere reserves remain under the sovereign jurisdiction of the country where they are located.

Question 2. How many property owners are within the boundary of the proposed expansion?

Answer. There are only four tracts of land proposed for the boundary expansion in S. 1313. A single entity owns each tract. All four tracts are located on the far eastern end of the current Monument within the Congaree River floodplain. The tracts include the following:

An 1,886-acre tract owned by a company in Richmond, Va.

A 2,420-acre tract owned by a large Chicago, Ill., firm.

A 29-acre tract owned by a single individual who has been interested in negotiating a selling price with the National Park Service for more than a year. He could not do so because his property was outside the park's authorized boundary.

These three tracts are currently on the market for sale.

The final tract is:

A 270-acre tract owned by an individual who is interested in having his property included within the authorized boundary, but isn't interested in selling it at this time.

Please let me know if you need any further information.

APPENDIX II

Additional Material Submitted for the Record

SOUTH CAROLINA WILDLIFE FEDERATION,
Columbia SC, October 2, 2003.

Hon. CRAIG THOMAS,
*Chairman, Subcommittee on National Parks, Dirksen Senate Office Building, Wash-
ington DC.*

Hon. DANIEL AKAKA,
*Ranking Member, Subcommittee on National Parks, Dirksen Senate Office Building,
Washington DC.*

The South Carolina Wildlife Federation and Friends of Congaree Swamp appreciate this opportunity to support S. 1313, the Congaree National Park Act.

S. 1313

- Authorizes addition of approximately 4,600 acres to Congaree Swamp National Monument; and
- Changes Congaree's designation from National Monument to National Park.

The 4,600-acre expansion extends a portion of Congaree's eastern boundary to the Wateree River. This boundary expansion is a significant step toward implementing two visions:

- It implements part of the Conservation Vision of the South Carolina Landscape Mapping Project by linking two Core Conservation Areas: the 22,200-acre Congaree Swamp National Monument and the 16,700-acre Upper Santee Swamp Natural Area.
- It implements part of the Fork Swamp Large Area Project, approved almost three years ago by the SC Heritage Trust Advisory Board of the SC Dept. of Natural Resources.

Congaree Swamp's significance is affirmed by many studies and by its designations as a National Natural Landmark, a National Monument, and an International Biosphere Reserve. A nomination is prepared to recognize Congaree Swamp as Wetlands of International Importance.

Upper Santee Swamp's significance is described in the South Carolina Public Service Authority's draft application (2003) for a new license for the Santee Cooper Hydroelectric Project:

Perhaps the most important habitat in the project area, in terms of size, ecological integrity, and function are the river floodplain complexes, which contain cypress swamps and bottomland hardwoods, a habitat complex most well-represented by the Upper Santee Swamp. . . . These wooded wetland complexes are extremely diverse in terms of life forms present and are highly variable from one point to another because of variations in topography and hydrology. Besides their importance for a wide variety of wildlife, these systems support downstream river reaches by contributing valuable organic debris for food-chain support, as well as hydrologic support and flood-storage functions.

Part of Upper Santee Swamp is designated as a 16,700-acre Natural Area, further described in the *Santee Cooper Natural Area Management Plan* (1980).

Again, a key feature of the Congaree boundary expansion in S. 1313 is linking Congaree Swamp National Monument (Congaree National Park) and Upper Santee Swamp.

S. 1313 respects property ownership rights. The Congaree boundary expansion in S. 1313 consists of lands whose owners have given permission to include their land in this legislation.

This boundary expansion was proposed and studied extensively in 1994, but one of the two key landowners was not ready at that time to include the tract in legislation. Now, in 2003, both key landowners are willing to sell their tracts for addition to Congaree Swamp National Monument.

However, both key landowners are also willing to sell these tracts to other buyers if the Congaree boundary expansion languishes. And both key landowners are considering subdividing and selling their tracts as smaller parcels. One such parcel has already been sold. This situation underscores the urgency to authorize the expanded boundary and purchase both key tracts before they are subdivided and sold as multiple parcels, especially if the new owners of the multiple parcels are unwilling to include their land in the Congaree boundary.

This area between Congaree Swamp National Monument and Upper Santee Swamp is not only an important linkage between Core Conservation Areas. This area possesses significant natural and historical attributes which complement the resources of Congaree Swamp National Monument. The following historical information is compiled from many sources, and extensive documentation is available.

The expansion area includes the site of the southern road to McCord's Ferry. This ferry, first chartered in 1766, was situated at the northern tip of "the great bend" of the Congaree River. Actually, McCord's Ferry was preceded in the late 1740s by Joyner's Ferry. McCord's Ferry is mentioned in accounts of the American Revolution—with combatants of both sides crossing the Congaree River at McCord's Ferry. For example, Gen. Nathanael Greene crossed the Congaree at McCord's Ferry to meet with Francis Marion and Henry "Light-Horse Harry" Lee after the Patriots captured the British post at Fort Motte.

Fort Motte was the plantation house of Rebecca Motte, widow of Jacob Motte, at Mount Joseph on the Congaree River. The British seized and fortified Rebecca Motte's house as one of their posts to defend British supply routes during the Revolution. The Patriots succeeded in setting the house roof ablaze in May 1781, thereby forcing the British to surrender. The site of Fort Motte (Rebecca Motte's house) was in modern-day Calhoun County, but Motte lands extended into modern-day Richland County—part of this Congaree boundary expansion.

The charter to operate McCord's Ferry lapsed during the Revolution. Thereafter, citizens petitioned that a ferry be established upriver from McCord's Ferry at the plantation of Isaac Huger. The General Assembly chartered Huger's Ferry in 1786. Congaree Swamp National Monument contains several sites on the National Register of Historic Places, one of which is a remnant of the road to Huger's Ferry.

Soon after Huger's Ferry was established, citizens petitioned to re-establish McCord's Ferry. Isaac Huger objected because he had gone to great trouble and expense to establish Huger's Ferry and the roads to it.

Mary Brewton Motte, youngest daughter of Jacob and Rebecca Motte, also objected because she did not want the road to McCord's Ferry to run through her plantation, known as Buckhead, on the Congaree River. Miss Motte feared the road to the ferry would render her plantation useless.

Eventually, McCord's Ferry was re-established, which is significant for the Congaree boundary expansion in bill S. 1313. As explained previously, McCord's Ferry was situated at the northern tip of "the great bend" of the Congaree River. Accordingly, the road to McCord's Ferry from the south was within the boundary expansion area in bill S. 1313, as was part of Mary Brewton Motte's Buckhead plantation.

Documents pertaining to the South Carolina General Assembly's periodic re-chartering of McCord's Ferry, into the 1840s, provide interesting insights about the Congaree River cutting off its former channel, known today as Bates Old River, the longest oxbow of the Congaree River and one of the longest oxbows in South Carolina. Accordingly, two ferries became needed, one to cross the former channel of the Congaree, and one to cross the river's new channel. Thus, we know much more about the history of the Bates Old River oxbow than any oxbow within the current boundary of Congaree Swamp National Monument.

McCord's Ferry became known as Bates' Ferry before the end of the Civil War. Official records from the Civil War mention Bates' Ferry. In 1865, as the Union Army advanced from Orangeburg to Columbia, Union troops staged a diversion by skirmishing with Confederate troops at Bates' Ferry.

Currently, a railroad is the eastern boundary of Congaree Swamp National Monument. It is the second-oldest railroad in South Carolina, completed in 1842. S. 1313 extends part of Congaree's eastern boundary from the railroad to the west bank of the Wateree River.

In 1852, the Congaree River experienced a huge flood. At that time, it was the largest flood ever recorded on the Congaree River, and today the 1852 flood remains the second-largest flood on the Congaree. The presence of the railroad led to inter-

esting newspaper reports about 1852 flood damage to railroad structures crossing the Congaree River and floodplain.

The Confederacy utilized this railroad during the Civil War. The second-largest Confederate troop movement by rail during the Civil War utilized this railroad, when Longstreet's First Corps moved from Virginia to north Georgia, arriving at the time of the Battle of Chickamauga. Records also describe destruction of railroad property (including the Congaree River bridge and Congaree floodplain trestles) and structures in the village of Kingville as the Union Army approached and departed Columbia.

Thank you for considering our statement in support of S. 1313, the Congaree National Park Act of 2003. Please contact us if additional information will be helpful.

Sincerely,

ANGELA VINEY, *Executive Director*,
South Carolina Wildlife Federation.

LABRUCE ALEXANDER, *President*,
Friends of Congaree Swamp.

STATEMENT OF DR. WILLIAM L. GRAF, EDUCATIONAL FOUNDATION UNIVERSITY
PROFESSOR AND PROFESSOR OF GEOGRAPHY, UNIVERSITY OF SOUTH CAROLINA

The purpose of this testimony is to support the passage of the Congaree National Park Act of 2003 by pointing out the geographic, scientific, and historic significance of the park from the standpoint of a practicing researcher. My views derive from more than 30 years experience as a researcher, teacher, and public servant specializing in the environmental sciences and policy for public land and water. My experience is national and international in scope, and includes many public land and water areas throughout the United States. The following testimony addresses the national geographic importance of the Congaree, its scientific significance, and its historical importance, with a concluding comment about the name of the unit.

Geographic Importance

The high degree of protection and support offered by national park status for the Congaree is important from the following national geographic perspectives:

1. The park represents the only extensive tract of eastern, flood plain, hardwood, old growth deciduous forest in the nation, so that it adds to the diversity and representativeness of the park system from a national perspective. The long-term effectiveness of the national park system in achieving its goal of preservation of resources for the enjoyment of present and future generations depends on the inclusion of features that represent the diversity of geologic, hydrologic, and biologic systems across the entire country. Because of the history of economic development and the disposition of federal public lands, the park system includes substantial representation of western ecosystems, but it is less complete with respect to eastern ecosystems. When the United States became a nation, there were more than 24,000,000 acres of eastern, flood plain, old growth, deciduous forest. Only small remnants of a few hundred to a few thousand acres now remain. The Congaree's 11,000 acres is the largest remnant of this east coast ecosystem, and is as much a part of our heritage as the redwood forests in the park system on the west coast.

2. The park's location in the eastern United States is important because in terms of area the national park system is heavily weighted toward western areas: eastern additions contribute to regional balance. In terms of total acreage, relatively large western parks dominate the national park system. Yet, the natural, non-urban ecosystems of the eastern United States are of equal historic and scientific importance, and they are located close to many of the nation's largest population centers and large numbers of potential users. The opportunity for public scientific and historical education is greatly enhanced if the park system includes sizeable eastern units, and the Congaree offers a unique opportunity in its addition to the system. In a part of the nation where public lands are a small percentage of the total surface area, the Congaree is relatively large.

3. The size of the park protects the resource. National parks for environmental resources are often relatively large, but absolute size is much less important than the relationship between the geographic areas of the park and the resource it is designed to protect. By this yardstick, the Congaree (with its proposed 4,500 acre addition) is at the optimal size. Of the 13,000 acres of old growth forest now in the entire state of South Carolina, 11,000 acres are in the park.

4. The park's 15,000 acres of wilderness are especially important from a national perspective because of the relative scarcity of wilderness in the eastern United States. Although national park space is weighted toward the western half of the na-

tion, wilderness space is even more heavily weighted to the west. Of the nation's 105.5 million wilderness acres, 54% is in Alaska, and 90% is in the western portion of the country. The 15,000 acre wilderness component of Congaree is one of the largest truly wild areas in the southeast, and my personal experience indicates that it is truly wild, pristine, and unique with respect to the existing wilderness system.

Scientific Significance

National park status for the Congaree is exceptionally important from the scientific standpoint for the following reasons:

1. The old growth, flood plain, deciduous forest is a world-class research and education resource. Ecosystem science depends for its understanding of environmental dynamics on investigations of areas that have not been significantly affected by human activities. Although the understanding of human effects is necessary for good management, fundamental analysis requires areas that are as natural as possible. These undisturbed areas are especially difficult to find on flood plains (where economic development is focused), and undisturbed, old growth forests are additionally rare. The park has some of the tallest trees in the eastern United States with the highest forest canopy of its type in the world. The Congaree represents a globally significant scientific laboratory that is unequalled for its ecosystem type, a fact recognized by its status as an International Biosphere Reserve. Annually, researchers from the United States and other continents use the Congaree as a platform for their research, and their published scientific results lead to better management of this and other forests.

2. The forest is a benchmark system and a barometer of ecosystem responses to global climate, changes. Of special scientific importance is the fact that most of the Congaree is old growth forest, never having been harvested. The Congaree therefore represents eastern hardwood forests on flood plains as they were before technological intervention, and it represents a standard ecological yardstick by which change in other areas can be measured. When we attempt to restore other systems to more natural conditions, the Congaree provides a model toward which we can work. When decision makers and the public require an understanding of what the goals of forest restoration are, we have an accessible example in the public lands of the Congaree. This forest also can be used as a measuring device for assessing the effects of global climate change. Often, the effects of such changes are hard to gauge in ecosystems where other human influences are overwhelming, such as in managed forests. Because the Congaree is in its original, natural state, it records and responds to global adjustments and serves as a sort of "miner's canary" for forest health throughout the eastern United States.

3. The river is a benchmark system for river restoration. The forest of the Congaree is the unit's most obvious environmental resource, but the Congaree River which forms the southern border of the park, is of equal importance for science. Although there are a few sizeable dams many miles upstream from the park, the flow of the river is close to its natural condition in the vicinity of the Congaree, with large fluctuations on monthly and annual time scales. As a result, the aquatic habitats and the landforms of the river are nearly natural, something that is exceptionally rare in the United States, where most rivers are dammed and artificially controlled. The Clean Water Act mandates that it is national policy to restore and maintain our nation's water courses, but there are few models to follow when we try to modify dam operations and other control mechanisms to simulate more natural conditions. The Congaree River in the vicinity of the park provides one of the very few examples that can be used as a benchmark by researchers, managers, and decision-makers dealing with the restoration of large eastern American rivers.

4. The diversity of the system makes it an indispensable wildlife habitat area. There are more than 700 species of plants in the Congaree, a remarkably diverse basic ecosystem that permits a wide range of wildlife to flourish. Because diversity of animal species depends on diversity of plants for survival, the Congaree is particularly important from the perspective of biodiversity. There are no other tracts of similar size, public or private, in the Piedmont and coastal plain that are as diverse as the Congaree. This characteristic makes the park a significant gene pool and life assemblage very different from the managed landscapes that surround it. We do not yet know the extent or ultimate value of this diversity, but we do know that biodiversity is becoming an increasingly rare geographic asset in most parts of the world. As a result, while development in many parts of the world destroys forests, the Congaree becomes increasingly important for research.

Historical Significance

National park status for the Congaree is important because the area is of surprising historical significance for the following reasons:

1. The ancient history of the area is reflected in archaeological evidence. More than 10,000 years ago, ancient societies used the Congaree area for life and sustenance. Some of the remains of their activities are found in the general region, including the park area. However, an extensive inventory and assessment of these sites has not yet been done for the park. Substantial amounts of future exploration and research remain in the area, with the results likely to shed significant understanding on the lives and livelihoods of these ancient peoples. Protection of these as yet unstudied sites is essential if we are to learn about them from professional investigations.

2. The area of the proposed park includes a critical gateway for colonial expansion from coastal areas into the interior of the southern Piedmont. The 4,500-acre proposed expansion of the existing national monument is absolutely critical because it would result in the inclusion of the area at the confluence of the Wateree and Congaree rivers. This area was a funnel for the first extensions of colonial settlement upward from the coast and into what is now central South Carolina during the early 1700s. As an early representative of colonial expansion from coast to Piedmont that was occurring all along the east coast, this area was the site of two essential ferry crossings, Huger's Ferry (in the present national monument) and McCord's Ferry (in the extension area). The creation of these ferry crossings, establishment of trading posts at the confluence of the two rivers, and conversion of Native American trails to primitive roads radiating northward and westward from this confluence were critical components of the early history of this part of the nation. Preservation of these sites and development of interpretive mechanisms in a national park will provide much needed educational opportunities related to the American story, informing visitors about the earliest westward expansions.

3. The area includes archaeological sites related to early European settlement. From records we know that the general Congaree area was one of the first major grazing areas of what became the United States. In the late 1600s, long before the better known "wild west" of more recent times, cowboys grazed their herds in the vicinity of the Congaree. During the colonial period, graziers constructed mounds for their cattle to use during flooding periods. The Congaree still contains examples of ring dikes, mounds, and levees constructed by some of the nation's first cowboys. Additional research into these features and their associated lifestyles and economy is likely to produce important educational opportunities not available in any other location.

The Name "Congaree National Park"

Congaree National Park is an appropriate name for this unit of the park system for three important reasons:

1. The present label of "Congaree Swamp" is a misnomer. Congaree Swamp National Monument is a misapplication of the term "swamp." "Swamp" is a geographical term applied to areas of low, waterlogged ground, often characterized by bog or marsh vegetation. The area of this park unit is not a swamp, but rather it is a flood plain, periodically overflowed by river waters. Its vegetation is flood plain forest rather than swamp marsh grasses. For this reason, the national park name should not include the term "swamp."

2. "Congaree" is the name of the occupants of this area before the arrival of Anglo-Americans. The Native American tribe that occupied the area of the park called itself the Congaree, and the memorialization of their occupancy here is appropriate. The Congaree tribe, like most tribes in the coastal Southeast, was small in number. Within a few years of their contact with Anglo-Americans, they were decimated by disease, and survivors scattered to join other nearby tribes.

3. From colonial times, Anglo-Americans referred to the area that includes the park as "the Congaree." From about 1700 onward, the area of land between the Wateree and Congaree rivers was known as "the Congaree." The label appears in newspapers and books until the formation of present-day Richland County shortly before 1800, though "the Congaree" continued in colloquial use for many years. As a label for the national park, Congaree (without the additional term "swamp") has historical significance.

In summary, national park status is strongly justified for an expanded version of the existing Congaree Swamp National Monument because of the potential role of the unit in the nation-wide system of parks. The Congaree is a place of substantial scientific significance and historical importance, and its preservation and management as a national park will benefit present and future generations of Americans as well as providing protection for a resource of national and international significance.

UNIVERSITY OF SOUTH CAROLINA,
COLUMBIA, SC, AUGUST 4, 2003.

Senator FRITZ HOLLINGS,
Russell Office Building, Washington, DC.

DEAR SENATOR HOLLINGS: The purpose of this letter is to offer support in the form of formal testimony commenting on the scientific importance of your Congaree National Park Act of 2003. My comments stem from my experience of more than 30 years as a specialist in environmental sciences and policy for public land and water. Below, I address the national geographic and scientific importance of the Congaree. I close with a brief comment on the appropriate name for the park, a portion of which is now known as Congaree Swamp National Monument.

National Geographic Significance

Congaree National Park would be an indispensable component of the park system, because it would be the only extensive representative in the national system of an eastern, temperate, flood plain, hardwood forest. A reasonable goal of the park system is to include a wide range of representative ecosystems, so that the inclusion of this example is a foregone conclusion. There are no other examples of this ecosystem in tracts this large available for preservation. Of equal importance, however, is the opportunity to protect the Congaree's 15,000 acres of wilderness. Wilderness tracts of any extent are exceptionally rare in the eastern portion of the United States, making this area a vital part of a balanced national system with fair representation for the East. I have examined the wilderness area of the Congaree, and I find that it is pristine and unique.

Scientific Significance

The Congaree is scientifically significant from at least three standpoints: the forest ecosystem, the Congaree River, and wildlife in the area. As part of the International Biosphere Reserve system, the Congaree is a world-class ecology laboratory, and as such, it is critical to global research on ecosystem dynamics. The Congaree forest is a remnant of a forest type that once covered huge areas of the eastern United States, and it offers public visitors and scientific researchers the only existing opportunity to see and investigate some of the tallest trees in the eastern part of the nation and one of the highest forest canopies in the world. The Congaree River on the southern edge of the park largely functions as a natural stream (despite some dams located many miles upstream from the park). The significance of this nearly natural behavior is that the stream is one of the few rivers in the East that can be used as a benchmark to guide river restoration and maintenance efforts mandated by the Clean Water Act. Finally, the more than 170 bird species sighted over the past decade in the Congaree include the endangered red-cockaded woodpecker. The biodiversity of the park, extending from the 700 plant species to remarkably diverse wildlife make the area pivotal as a location for scientific investigations into the complex connections among land, water, and life that are obscured elsewhere by agricultural and urban land uses.

The Name "Congaree National Park"

Your bill proposes the name "Congaree National Park," and I urge you to retain this name, avoiding the use of the term "Congaree Swamp." The area is not a swamp, scientifically defined as a constantly wet area with standing water and bog or marsh vegetation. The Congaree, on the other hand, is a flood plain, periodically inundated by flowing water, with a majestic hardwood forest.

Sincerely,

WILLIAM L. GRAF,
Educational Foundation University
Professor
and Professor of Geography.